

TOWNSHIP OF PENN

INCORPORATED ZONING ORDINANCES

- Ord. 2008-05 – Comprehensive Zoning Ordinance
- Ord. 2009-03 – Alternative Energy
- Ord. 2012-01 – Floodplain
- Ord. 2017-03 – Medical Marijuana and Wireless Communication
Facilities

October, 2018

TABLE OF CONTENTS

			<u>Page</u>
ARTICLE I	TITLE, PURPOSE, INTERPRETATION, AND APPLICATION		1
	Section 100	Title	1
	Section 101	Purpose	1
	Section 102	Interpretation	1
	Section 103	Application	2
ARTICLE II	DEFINITIONS		3
	Section 200	General	3
	Section 201	Specific Terms	3
	Section 202	Abbreviations	19
ARTICLE III	ZONING DISTRICTS		20
	Section 300	Types of Zoning Districts	20
	Section 301	Official Zoning Map	20
	Section 302	District Boundaries - Rules for Interpretation	21
	Section 303	Application of District Regulations	21
ARTICLE IV	DISTRICT REGULATIONS		23
	Section 410	A AGRICULTURAL DISTRICT	23
	Section 411	Specific Intent	23
	Section 412	Uses Permitted by Right	24
	Section 413	Uses Permitted by Special Exception	25
	Section 414	Area, Yard and Height Regulations	26
	Section 420	P PRESERVATION DISTRICT	27
	Section 421	Specific Intent	27
	Section 422	Uses Permitted by Right	27
	Section 423	Uses Permitted by Special Exception	29
	Section 424	Density, Area, Yard and Height Regulations	30
	Section 430	L LOW DENSITY RESIDENTIAL DISTRICT	33
	Section 431	Specific Intent	33
	Section 432	Uses Permitted by Right	33
	Section 433	Uses Permitted by Special Exception	34
	Section 434	Density, Area, Yard and Height Regulations	35
	Section 440	H HIGH DENSITY RESIDENTIAL DISTRICT	37
	Section 441	Specific Intent	37
	Section 442	Uses Permitted by Right	38
	Section 443	Uses Permitted by Special Exception	39
	Section 444	Regulations for Planned High Density Development	40

Section 445		Density, Area, Yard and Height Regulations for By-Right Uses	43
Section 446		Density, Area, Yard and Height Regulations for Conditional Uses	46
Section 450	S	SPECIAL USE DISTRICT	49
Section 451		Specific Intent	49
Section 452		Uses Permitted by Right	49
Section 452.1		Uses Permitted by Special Exception	49
Section 453		Uses Permitted by Conditional Use	49
Section 454		Area, Yard and Height Regulations	52
Section 455	O	OPEN SPACE AND RECREATIONAL DISTRICT	52
Section 456		Specific Intent	53
Section 457		Uses Permitted by Special Right	53
Section 457.1		Uses Permitted by Special Exception	54
Section 458		Development Standards	55
Section 459		Area, Yard and Height Regulations	56
Section 460		Standards for Conservation Subdivision Options	56
Section 461		Specific Intent	56
Section 462		General Regulations	57
Section 463		Applicability	58
Section 464		Standards for Conservation Option	58
Section 465		Standards for Estate Lot Option	61
Section 466		Standards for Country Property Option	61
Section 467		Open Space Land Use and Design Standards	62
Section 468		Ownership and Maintenance of Open Space And Common Facilities	64
Section 470		Standards for Village Option	68
Section 471		Specific Intent	68
Section 472		General Regulations	68
Section 473		Applicability	69
Section 474		Standards for Village Option	69
Section 475		Open Space Design Standards	75
ARTICLE V		COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS	77
Section 500	C-1	MIXED COMMERCIAL-RESIDENTIAL DISTRICT	77
Section 501		Specific Intent	77
Section 502		Uses Permitted by Right	77
Section 503		Uses Permitted by Special Exception	78
Section 504		Performance Standards	81
Section 505		Area, Yard and Height Regulations	82
Section 510	C-2	COMMERCIAL DISTRICT	82
Section 511		Specific Intent	82
Section 512		Uses Permitted by Right	82

Section 513	Uses Permitted by Special Exception	84
Section 514	Area, Yard and Height Regulations	85
Section 520	I LIGHT INDUSTRIAL DISTRICT	86
Section 521	Specific Intent	86
Section 522	Uses Permitted by Right	86
Section 523	Uses Permitted by Special Exception	87
Section 524	Area, Yard and Height Regulations	88
Section 525	Uses Permitted by Condition in I-Light Industrial District	88
ARTICLE VI.1	GENERAL REGULATIONS	93
Section 600	Access to Structures	93
Section 601	Erection of More than One Principal Structure on a Lot	94
Section 602	Residential Accessory Buildings, Structures and Uses	94
Section 603	Non-Residential Accessory Buildings, Structures and Uses	95
Section 604	Accessory Building Setback Exceptions	96
Section 605	Landscaping	96
Section 606	Lighting	96
Section 607	Signs	97
Section 608	Reserved	103
Section 609	Loading Areas	104
Section 610	Off-Street Parking	104
Section 611	Storage of Vehicles in the A, P, L, H, S and O Districts	109
Section 612	Storage of Vehicles in the C-1, C-2, and I Districts	109
Section 613	Home Occupations Regulations	109
Section 614	No-impact Home Based Business Regulations	110
Section 615	Front Yard Exceptions	111
Section 616	Fences, Walls and Hedges	111
Section 617	Corner Lot Restrictions	112
Section 618	Projections into Yards	112
Section 619	Height Exceptions	113
Section 620	Standards for Non-PUC Public Utility Uses	113
Section 621	Standards for Hotels and Motels	113
Section 622	Commercial Communication Towers and Antennas	113
Section 623	Co-Location of Wireless Communications Facilities	127
Section 624	Medical Marijuana Dispensary	127
Section 625	Medical Marijuana Grower/Processor	128
ARTICLE VI.2	HISTORIC AND ENVIRONMENTAL RESOURCE PROTECTION REGULATIONS	129

Section 630	Historic Resource Protection	129
Section 631	Reserved	139
Section 631.2	Definitions	139
Section 631.3	Construction	140
Section 631.4	Surface Discharges	140
Section 632	Woodland Controls	140
Section 633	Determination of Density for Parcels Containing Protected Areas	141
Section 634	Steep Slope Overlay District	142
Section 635	Wetlands, Wetland Margins, and Hydric Soils	145
Section 636	Wellhead Protection	146
Section 637	Flood Plain Controls	146
Section 638	Environmental Performance Standards	146
Section 639	Protection of Ridgelines and Ridgetops	149
Section 640	Slope Controls	150
Section 641	Prohibited Uses	150
Section 642	Removal of Natural Resources	150
Section 643	Riparian Corridor Overlay District	151
Section 644	Specific Intent	151
Section 644.a	Permitted Uses	154
Section 645	Non-Conforming Structures and Uses	157
Section 646	Boundary Interpretation and Appeals Procedure	157
Section 647	Corridor Management Plan	157
Section 648	General Provisions	159
ARTICLE VI.3	AGRICULTURAL REGULATIONS	160
Section 650	Standards for Certain Single Family Detached Dwelling Lots in A, P, L and H Districts	160
Section 651	Farm Related Business Regulations	160
Section 652	Standards for Mushroom Production	162
Section 653	Standards for Nurseries, Greenhouses, and Tree Farms	163
Section 654	Standards for Roadside Stands	163
Section 655	General Agricultural Standards	164
Section 656	Intensive Agricultural Standards	164
Section 657	Development Permitted within the Agricultural District	166
Section 658	Standards for Animal Hospitals, Veterinary Facilities, and Kennels	167
Section 659	Standards for Stockyards	168
ARTICLE VII	NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS	169
Section 700	Statement of Intent	169

Section 701	Non-Conforming Lots of Record	169
Section 702	Registration	170
Section 703	Abandonment	170
Section 704	Change	170
Section 705	Expansion	170
Section 706	Movement and Replacement	171
Section 707	Damage or Destruction	172
ARTICLE VIII	ADMINISTRATION AND ENFORCEMENT	173
Section 800	Zoning Officer	173
Section 801	Zoning Permit	174
Section 802	Certificate of Use and Occupancy	176
Section 803	Schedule of Fees, Charges and Expenses	178
Section 804	Amendments	178
Section 805	Enforcement Notice	179
Section 806	Enforcement Remedies	180
Section 807	Appeals	181
Section 808	Conditional Use Procedures	181
ARTICLE IX	ZONING HEARING BOARD	183
Section 900	Creation and Organization	183
Section 901	Hearings	184
Section 902	Functions of the Zoning Hearing Board	184
Section 903	Procedures for Application to the Zoning Hearing Board	186
Section 904	Expiration of Special Exceptions and Variances	186
Section 905	Review of Applications for Special Exceptions and Variances by the Township Planning Commission and Township Supervisors	186
ARTICLE X	MISCELLANEOUS	187
Section 1000	Public Utilities Corporation Exempted	187
Section 1001	Severability	187
Section 1002	Repeal of Conflicting Ordinances	187
Section 1003	Effective Date	187
ARTICLE XI	ALTERNATIVE ENERGY	
	PART 1	
	Wind Energy	189

STAND ALONE WIND TURBINES AND WIND ENERGY FACILITIES

Section 1101.	Title	189
Section 1102.	Purpose	189
Section 1103.	Definitions	189
Section 1104.	Applicability	190
Section 1105.	Special Exception Requirement	190
Section 1106.	Special Exception Application	191
Section 1107.	Design and Installation	191
Section 1108.	Setbacks	192
Section 1109.	Waiver of Setbacks	193
Section 1110.	Use of Public Roads	194
Section 1111.	Local Emergency Services	194
Section 1112.	Noise and Shadow Flicker	194
Section 1113.	Waiver of Noise and Shadow Flicker Provisions	194
Section 1114.	Signal Interference	195
Section 1115.	Liability Insurance	195
Section 1116.	Decommissioning	195
Section 1117.	Public Inquiries and Complaints Regarding Wind Energy Facilities	196

PART 2

Hydropower	196
------------	-----

Section 1201.	Purpose	196
Section 1202.	Definitions	197
Section 1203.	Special Exception Application for Hydropower Project	197
Section 1204.	Special Exception Application Fee	198
Section 1205.	Special Exception Criteria	198
Section 1206.	Authority to Attach Conditions to Special Exceptions	198

TOWNSHIP OF PENN
ORDINANCE NO. 2008-05

This is an Ordinance regulating the location, erection, construction, alteration, removal, and size of buildings, structures, and signs and regulating the use of land. Zoning districts, with their applicable regulations, and general regulations are created to accomplish these purposes. Provision is made for the amendment, enforcement and administration of this zoning ordinance.

ARTICLE I

TITLE, PURPOSE, INTERPRETATION, AND APPLICATION

Section 100. **TITLE**

This Ordinance shall be known as and may be cited as “The Penn Township Zoning Ordinance of 2008”.

Section 101. **PURPOSE**

This Ordinance is enacted to implement the Penn Township Comprehensive Plan and to promote the public health and safety and the general welfare of the residents and occupants of the Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; preserving farmland; avoiding undue congestion of population; providing for adequate areas for vehicular parking and loading; providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities; encouraging the harmonious and orderly development of land; and lessening congestion of the roads and highways.

This Ordinance is enacted in accordance with the Community Development Objectives as set forth in the Penn Township Comprehensive Plan. Those Objectives are incorporated herein by reference.

Section 102. **INTERPRETATION**

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

greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance, or regulation shall be complied with.

Section 103. APPLICATION

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

ARTICLE II

DEFINITIONS

Section 200. GENERAL

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word “shall” is mandatory. The word “may” is permissive. The word “person” includes “individual”, “company”, “unincorporated association”, or other similar entities. The words “used for” include “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”. The word “building” shall be construed as if followed by the phrase “or part thereof”.

Section 201. SPECIFIC TERMS

Accessory Building - A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Use - A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

Adjusted Tract Area (ATA) – The gross tract area minus the constrained land.

Agriculture - The raising and keeping of field, truck, or tree crops, and/or the raising and keeping of any member of the animal kingdom as a business enterprise. Kennels and roadside stands as defined herein are specifically excluded.

Agriculture, General - An activity shall be considered general agriculture provided the number of animal units is a maximum of 0.5 units per acre on parcels greater than or equal to 2 contiguous acres and less than 5 contiguous acres, the number of animal units is a maximum of 2.0 units per acre on parcels greater than or equal to 5 contiguous acres, and the area of greenhouses erected is less than or equal to 50,000 square feet. The production of mushrooms is excluded.

Agriculture, Intensive - An activity shall be considered intensive agriculture, when the number of animal units per acre, or the area of greenhouses erected as defined for general agriculture are exceeded. Mushroom production shall be considered intensive agriculture.

Alteration, Structural - Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress or access to a building or structure.

Animal Unit - One animal unit is equal to a total of 1000 pounds of animal(s) based on the average animal weight as listed in the Nutrient Management Law.

Antenna – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below. [Ord. 2017-03]

Apartment Unit - A dwelling unit within an apartment building. An apartment building is a building on a single lot designed for and occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Approved Private Street - A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision plan.

Base Station - any structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. Includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a "base station" at the time the relevant application is filed with the State or municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components. The term includes buildings, light poles, utility poles, water towers, etc., as well as DAS systems and small cells. [Ord. 2017-03]

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

Bed and Breakfast - A premises that provides overnight guest accommodations including daily breakfast.

Board of Supervisors - Board of Supervisors of the Township of Penn, Berks County, Pennsylvania.

Buffer Strip - A continuous strip of landscaped land which is clear of all buildings and paved areas.

Building - A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

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

Building Coverage - The percentage of a lot covered by principal and accessory buildings.

Building Height - The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

Building Setback - The minimum distance a building or structure must be set back from a street right-of-way line (except the right-of-way of a service street).

Building Setback Line - The line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line.

A building setback line may be established farther from a street right-of-way line than the minimum building setback established for a zoning district.

Campground - A parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

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

Cellar - A story partly below the finished grade, having less than one-half of its height (measured from finished floor to finished ceiling) above the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign, and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

Child Day Care - A facility which is licensed to provide care for 7 or more children at any one time, where the child care areas are not being used as a family residence. For the purposes of Child Day Care, a child is a person under 16 years of age.

Club or Lodge - An association of persons for some common non-profit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Co-Location – The mounting of one or more WCFs, including antennae, on an existing tower-based WCF or utility or light pole. [Ord. 2017-03]

Commercial School - A school for the teaching of a trade or skill, carried on as a business.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area - A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

Communications Equipment Building – The building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed and covering an area on the ground not greater than two hundred square feet (200 sq. ft.). [Ord. 2017-03]

Community-Based Board - An operating or advisory board, committee, or the like, the majority of whose members are residents of Berks County, Pennsylvania.

Conditional Use - A use which may be permitted by the Township Supervisors pursuant to the provisions of this Ordinance.

Conservancy Lot – A large, privately owned lot comprised primarily of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to open space, while keeping the land under private ownership and maintenance. Except for the portion of the lot specifically designated for the house, yard and related accessory uses, the remainder must be restricted from further development and used in conformance with the standards for open space as set forth in this Ordinance. Public access to conservancy lots is not required.

Convalescent Home - An establishment providing nursing, dietary and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Corner Lot - A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees).

Data Collection Unit (DCU) – Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. [Ord. 2017-03].

Density - The Adjusted Tract Area divided by the total number of dwelling units to be housed thereon, expressed in dwelling units (DU) per acre.

Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the PA Department of Health to dispense medical marijuana pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.* [Ord. 2017-03]

Distributed Antenna Systems (DAS) – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure. [Ord. 2017-3]

Dwelling - A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

Apartment Building - A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Mobile Home - A transportable, single family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania 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.

Single Family Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.

Single Family Semi-Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a common or party wall.

Single-Family Attached Dwelling (Townhouse) - A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance from the outside.

Dwelling Unit - A building or structure 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.

Dwelling Unit for the Elderly - A dwelling unit in which at least one resident shall be at least 55 years of age, as provided under the Federal Fair Housing Act.

Family -

- a. One or more persons, related by blood, marriage, or adoption, with not more than two boarders; roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- b. Not more than five unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Farm - An area of land used for agriculture, as defined in this Ordinance.

Farm-related Business - A business substantially devoted to serving production agriculture which can be conducted on a property primarily used for agriculture as defined in this Ordinance. Said businesses must be farm related and/or designed to provide goods and services to the agricultural community.

FCC–Federal Communications Commission. [Ord.2017-03]

Flag Lot – An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The elongated extension is generally a narrow access strip which does not meet the minimum lot width requirements of this Zoning Ordinance and thus is too narrow for the construction of a principal building.

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

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

Grade - The level of the ground adjacent to the exterior walls of a building or structure, or adjacent to the base of a storage pile or sign.

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

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

Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the PA Department of Health pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.* to grow and process medical marijuana. [Ord. 2017-03]

Hazardous Waste - Any garbage, refuse, sludge, and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

Highway Access Point - A place of egress from or access to a street or highway created by a driveway or another street or highway.

Highway Frontage - The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

Home Occupation - An occupation customarily conducted within a dwelling unit. Both professional and non-professional home occupations must meet the home occupation regulations of this Ordinance. A beauty shop shall be considered a home occupation.

Hotel - A building or group of buildings containing seven or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. “Hotel”

does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Household - An individual or individuals occupying a dwelling unit and having the permanent and domestic characteristics of a biological family.

Impervious Coverage – Material, which is impenetrable and unable or severely limited in the infiltration of water, including but not limited to, buildings, structures, and paved areas (driveways, parking lots, etc.)

Impervious Surface – see Impervious Coverage.

Improvement - Any type of structure or paved section, excluding driveway, curb, sidewalk, planting strip, or barrier to unchanneled motor vehicle entrance or exit.

Junk Yard - A lot, land, or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage, and/or sale of scrap or discarded material, including but not limited to scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment and glass, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

Kennel - Any structure or premises in which more than 4 dogs more than 6 months old are housed, groomed, bred, boarded, or trained for commercial purposes. Kennels are subject to the standards of Section 640 of this Ordinance.

Lodging House - A building with not more than six guest rooms where lodging and meals are served for compensation, not including nursing homes or convalescent homes.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

Lot Coverage – The area of a lot covered with buildings, structures and paved areas.

Lot Line - A line forming the front, rear or side boundary of a lot.

Front Lot Line - The line separating a lot from a street right-of-way. The front lot line is also the street line.

Rear Lot Line - The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet long.

Lot of Record - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Area - The area contained within the limits of the legally described property lines bounding the lot.

Lot Width - The width measured at the minimum building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than one-half (1/2) of the required lot width.

Medical Marijuana – Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 *et seq.* [Ord. 2017-03].

Mobile Home - A transportable, single family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania 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.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monopole – A WCF or site which consists of a single pole wireless support structure, designed and erected on the ground or on top of a structure, to support antennae and connecting appurtenances. [Ord. 2017-03].

Motel - A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Vehicle Service Station - An area of land, including structures thereon, used primarily for the sale of gasoline or motor vehicle fuel, but which may be used secondarily for supplying services generally required for the operation and maintenance of motor vehicles.

Municipality - Township of Penn, Berks County, Pennsylvania.

Municipal Use - A land use owned and maintained by the Township or a Township Authority and including such uses as a library, park, playground, sewage treatment plant and administrative or equipment storage building.

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.

Non-Commercial Antennas and Towers - A privately owned antenna or tower serving solely a residential dwelling on the same property upon which the antenna or tower is located, for the personal, amateur, non-commercial use of the owner of the property, for example, ham radio, citizens band radio, or direct broadcast satellite dishes. [Ord. 2017-03].

Non-Conforming Building, Lot, Structure or Use - A building, lot, structure, or use which does not conform to the regulations of the zoning district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Zoning Ordinance. Non-conforming structures include, but are not limited to, non-conforming signs.

Non-Tower Wireless Communications Facility (non-tower WCF) – All wireless communications facilities (WCFs) that are not tower-based, including, but not limited to, data collection units, antennae and related equipment. Non-tower WCF shall include support structures for antennae and related equipment that is mounted to the ground or at ground-level. Other non-ground mounted examples can include, but not limited to, installation of a WCF on an existing utility pole, light pole, barn, church steeple, farm silo, water towers or other similar structures. [Ord. 2017-03].

Nursing Home - Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment by the residents of such development and possibly the general public. Open Space shall be substantially free of structures, but may contain such improvements as are in the finally approved development plan, and shall not include individually owned private yards, except in the case of approved conservancy lots. Open Space is permanently restricted against further development. Open Space may be a combination of natural or naturalized areas (such as the Township greenway network) plus more manicured areas (such as lawn, recreational areas or play fields).

Parking Area - An area for the parking of three (3) or more vehicles.

Parking Space - A space within a building or on a lot, used for the parking of a motor vehicle.

Party Wall - A wall used or adopted for joint service between two buildings or parts thereof.

Paved Area – The area of a lot covered with paving.

Paving - Hard material such as concrete, asphalt, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

Persons – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided, that “person” does not include or apply to the Township or to any department or agency of the Township. [Ord. 2017-03]

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

Primary Conservation Area – Lands within the 100-year floodplain (including the floodway), wetlands, and slopes in excess of 25 percent.

Principal Building - A building in which a principal use on a lot is carried on.

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

Professional - Doctor, surgeon, dentist, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner.

Public Road - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Township and accepted by it.

Right-Of-Way or ROW – The surface of and space above and below any real property in the Township in which the Township or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township or Commonwealth, and any unrestricted Township or Commonwealth owned easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township or Commonwealth. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the right(s)-of-way. [Ord. 2017-03]

Sanitary Landfill - A land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards or nuisances.

Sanitary Sewage Disposal, On-Site - Any structure designed to treat sanitary sewage within the boundaries of any individual lot.

Sanitary Sewage System, Community - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage System, Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Screen - Vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

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

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

Sign – Any structure, 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, information, attraction, or advertisement.

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

Height of Sign – The vertical distance measured from the average grade at the lowest point of the sign to its highest point. A supporting structure shall be used in determining the lowest or highest point of a sign.

Sign, Advertising – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

Sign, Business – A sign which directs attention to a business, profession or industry conducted or to products sold, manufactured or assembled upon the same premises on which the sign is located.

Sign, Directional – A sign containing directional information locating public places owned or operated by Federal, State, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or which are naturally suited for outdoor recreation.

Sign, Free Standing – An independently supported sign, not attached to any building.

Sliding Scale - A method of allocating building lots on land in an Effective Agriculture Preservation Zone.

Solid Waste – Waste including solid, liquid, semisolid, or contained gaseous materials.

Special Exception – The granting by the Zoning Hearing Board for permission to conduct a use permitted in a particular district, to undertake certain activities, to occupy or use land, buildings or structures for a specific purpose or in a certain manner in accordance with this Ordinance.

Stealth Technology – Camouflaging methods applied to tower-based wireless communications facilities, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles. [Ord. 2017-03].

Stockyard - A large yard area with pens or stables where cattle, sheep, swine or other livestock are kept ready for sale or shipping.

Street – A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

Street Frontage – The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line – The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of two or more lots held in single and separate ownership have a right-of-way.

Structure – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Substantially Change Or Substantial Change (where related to Wireless Communication Facilities) – A modification to the physical dimensions of a tower or base station as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act (effective February 22, 2012), if it meets any of the following criteria:

- a. For tower-based WCFs outside of the public rights-of-way, it increases the height of the facility by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty feet (20'), whichever is greater;
- b. For tower-based WCFs inside the public rights-of-way, and for all base stations, it increases the height of the facility by more than ten percent (10%) or ten feet (10'), whichever is greater;
- c. For tower-based WCFs outside of the public rights-of-way, it protrudes from the edge of the existing tower by more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- d. For tower-based WCFs inside the public rights-of-way, and for all base stations, it protrudes from the edge of the existing tower, or wireless support structure, by more than six feet (6');
- e. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
- f. It entails any excavation or deployment outside the current permitted area of the existing tower-based WCF or base station;
- g. It would defeat the existing concealment elements of the tower or base station; or
- h. It does not comply with conditions associated with the prior approval of construction or modification of the tower-based WCF or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

[Ord. 2017-03].

Supportive Services – Services provided by a nonprofit social service agency (herein “sponsoring agency”) having a Community-Based Board to residents of a Group Home,

or Group Lodge, such services being designed to cultivate, develop or maintain those skills and habits commonly accepted as being necessary to the leading of a useful and productive life. Such services include, but are not limited to, training in nutrition, personal hygiene, money management, housekeeping, work habits, personality development and diet.

Surface Mining – The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Swimming Pool - A pool used for swimming or bathing which has a depth in any part of twenty-four (24) inches or more.

Tower-Based Wireless Communications Facility (Tower-Based WCF) – Any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers and monopoles. DAS hub facilities are considered to be tower-based WCFs. [Ord. 2017-03].

Township - Township of Penn, Berks County, Pennsylvania.

Township Planning Commission - Planning Commission of the Township of Penn, Berks County, Pennsylvania.

Township Supervisors - Board of Supervisors of the Township of Penn, Berks County, Pennsylvania.

Tract Area, Base – Gross tract area minus public and private roads, utility rights-of-way.

Tract Area, Gross (GTA) – The total amount of land contained within the limits of the legally described property lines bounding the tract.

Travel Trailer - A vehicular portable structure built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and/or vacation purposes.

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

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

Water Distribution System, On-Site - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Public - A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Wireless - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals. [Ord. 2017-03]

Wireless Communications Facility (WCF) – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. Not included are Non-Commercial Antennas and Towers (as defined). [Ord. 2017-03].

Wireless Communications Facility Applicant (WCF Applicant) – Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property. [Ord. 2017-03].

Wireless Support Structure – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township. [Ord. 2017-03].

Wooded Area - Any portion of a grove or stand of trees generally greater than six inches in caliper, covering a land area greater than 10,000 square feet.

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

Yard, Front - An open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

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

street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

Yard, Side - An open space between the side lot line and a line drawn parallel thereto at such distance therefrom as maybe specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way line of the service street.

Zoning Hearing Board - Penn Township Zoning Hearing Board.

Zoning Officer - Penn Township Zoning Officer.

Zoning Ordinance - Penn Township Zoning Ordinance.

Ord. 2008-05, 10/27/2008; as amended by Ord. 2017-03, 4/24/2017, §1.

Section 202. ABBREVIATIONS

Abbreviations for terms or words used herein:

- ADU Accessory Dwelling Unit
- ATA Adjusted Tract Area
- BMP Best Management Practice
- dbh Diameter at breast height
- DCNR Pennsylvania Department of Conservation and Natural Resources
- DEP Pennsylvania Department of Environmental Protection
- DU Dwelling Unit
- ER/SA Existing Resources and Site Analysis Plan
- GTA Gross Tract Area
- PCA Primary Conservation Area
- ROW Right of Way
- SCA Secondary Conservation Area
- SEO Sewage Enforcement Officer
- SFA Single-family attached dwelling unit
- SFD Single-family detached dwelling unit
- TH Townhome

ARTICLE III
ZONING DISTRICTS

Section 300. TYPES OF ZONING DISTRICTS

In order to carry out the objectives of this Zoning Ordinance, the Township of Penn has been divided into the following Zoning Districts:

A	Agricultural District
P	Preservation District
L	Low Density Residential District
H	High Density Residential District
S	Special Use District
O	Open Space and Recreational District
C-1	Mixed Commercial - Residential District
C-2	Commercial District
I	Light Industrial District

Section 301. OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts shall be shown on the Zoning Map of the Township. The Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The Official copy of the Zoning Map shall be so labeled and identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map of the Township of Penn adopted October 27, 2008.”
3. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede such prior 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 signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map of the Township of Penn adopted _____, 2008.”

Section 302. DISTRICT BOUNDARIES – RULES FOR INTERPRETATION

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

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, lanes, alleys, or creeks, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
5. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
6. Boundaries indicated as extension of features indicated in Sections 1 through 5 above shall be so construed.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 1 through 6 above, the Zoning Officer shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the property owner the regulations of either zoning district may be extended a distance of not more than fifty feet beyond the district boundary line into the remaining portion of the lot.

Section 303. APPLICATION OF DISTRICT REGULATIONS

1. No building, structure, or land shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Zoning Permit by the Zoning Officer and a Building Permit by the Building

Codes Officer. No building, structure, or land shall be used or occupied without the issuance of a Certificate of Use and Occupancy by the Building Codes Officer.

2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.
3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.
4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts.
5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts.
6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

ARTICLE IV

DISTRICT REGULATIONS

Section 410. A - AGRICULTURAL DISTRICT

Section 411. SPECIFIC INTENT

The purposes of the Agricultural District are:

1. To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's Executive Order of March 20, 2003, Number 2003-2. Those areas being Preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974 as amended (Clean and Green) or Act 515 of 1996 as Amended, and Land Capability Classes I, II, III and IV and other soils of statewide importance as defined by the Natural Resources Conservation Service.
2. To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the State of Pennsylvania.
3. To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.
4. To promote agricultural land uses and activities and other uses and activities which act in direct support of agriculture.
5. To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highways and other public facilities in excess of those required by agricultural uses.
6. To maintain, protect and stabilize agriculture as an on-going economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof.
7. To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
8. To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.

9. The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which goal is a legitimate zoning objective under the Municipalities Planning Code.
10. To further Sections 603(b)(5) and 604(3) of the Municipalities Planning Code which directs that zoning ordinances contain provisions designed to "preserve prime agriculture and farmland considering topography, soil type and classification, and present use."
11. To recognize that farming and agriculture activities are the highest, best, and a fully developed land use.
12. To put into action the goals of the Penn Township Comprehensive Plan which contains the goal of preserving agriculture and farmlands and promoting them as a part of the local economy.
13. To support the goals and land use plan of the Berks County Comprehensive Plan which determined that Penn Township is an area which needs to be preserved for agricultural uses.

Section 412. USES PERMITTED BY RIGHT

The following, as a principal use, their accessory uses and no other, are permitted in the Agricultural District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

1. General Agricultural Uses, subject to Section 655 of this Ordinance.
2. Intensive Agricultural Uses up the following limits, subject to Section 656 of this Ordinance.
 - a. Swine, Dairy, Poultry, and Other Animal Agriculture - Up to 5 animal units per acre on a minimum of 25 acres.
 - b. Mushroom - Up to 100,000 sq. ft. of growing area on a minimum of 25 acres, subject to Section 652 of this Ordinance.
 - c. Greenhouses - Up to 50,000 sq. ft. of growing area on a minimum of 10 acres, subject to Section 653 of this Ordinance.
3. Church or synagogue.
4. Municipal use, excluding parks and playgrounds.
5. Woodland or game preserve, wildlife sanctuary or similar conservation use.

6. Home occupation, subject to Section 613 of this Ordinance.
7. No-impact home based business, subject to Section 614 of this Ordinance.
8. Farm-related business, subject to Section 651 of this Ordinance.
9. Roadside stands, subject to Section 654 of this Ordinance.
10. Single Family Detached Dwelling, subject to Section 657 of this Ordinance.
11. Forestry.
12. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
13. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
14. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008, as amended by Ord. 2009-03, 11/23/2009, §1; as amended by Ord. 2017-03, 4/24/2017, §2.

Section 413. USES PERMITTED BY SPECIAL EXCEPTION

The following, as a principal use, their accessory uses and no other, are permitted in the Agricultural District when a special exception is granted by the Zoning Hearing Board subject to and in accordance with Section 640 of this Ordinance.

1. Public utility uses, not to include commercial telecommunication signal facilities.
2. Horseback riding school.
3. Cemetery.
4. Aquaculture.
5. Kennels.
6. Mushroom production of more than 100,000 sq. ft. of growing area, subject to Section 652 of this Ordinance.
7. Greenhouse production of more than 50,000 sq. ft. of growing area, subject to Section 653 of this Ordinance.

8. Animal agriculture of more than 5 animal units per acre, subject to Section 656 of this Ordinance.
9. Other agricultural animal production not listed.
10. Stockyards, subject to Section 659 of this Ordinance.
11. Tower-Based Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03]
12. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §2; as amended by Ord. 2017-03, 4/24/2017, §3.

Section 414. AREA, YARD AND HEIGHT REGULATIONS

Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Agricultural District, except as specifically provided for in this Ordinance. (See separate chart below.)

	Non-Residential Uses (other than a Church or Synagogue Use)	On-Site Sewage Disposal Single-Family Detached Dwelling Use and Church or Synagogue Use
<u>Maximum Permitted</u>		
Lot Size	None	2 Acres (See Section 657 of this Ordinance for the maximum number of proposed single family detached dwellings.)
Building Height (except barns, silos, and grain elevators)	35 Feet	35 Feet
Impervious Surface	40 Percent	35 Percent
<u>Minimum Requirements</u>		

Lot Size	50 Acres	1 Acre
Lot Width		
At Street Line	150 Feet	100 Feet
At Building Setback line	150 Feet	150 Feet
Rear Yard	40 Feet	30 Feet
Building Setback Line	40 Feet	30 Feet
Side Yard (each side)	25 Feet	20 Feet

Section 420. P - PRESERVATION DISTRICT

Section 421. SPECIFIC INTENT

It is the purpose of this District to maintain the rural character of sparsely developed areas predominantly in woodland and farmland.

Section 422. USES PERMITTED BY RIGHT

Land and buildings in a P District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 423, is granted.

1. General Agricultural Uses, subject to Section 655 of this Ordinance.
2. Farm-related business, subject to Section 651 of this Ordinance.
3. Roadside stands, subject to Section 654 of this Ordinance.
4. Woodland or game preserve, wildlife sanctuary, or similar conservation use.
5. Open space as part of a conservation subdivision.
6. Single-family detached dwellings subject to Section 424 of this Ordinance as one of the following:
 - a. Conservation Option
 - b. Country Property Option, or
 - c. Conventional Option.
7. Home occupation, subject to Section 613 of this Ordinance.
8. No-impact home based business, subject to Section 614 of this Ordinance.

9. Municipal Use.
10. Forestry.
11. Church or synagogue.
12. Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use.
13. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
14. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §3; as amended by Ord. 2017-03, 4/24/2017, §4.

USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Bed and breakfast.
2. Tower or antenna for commercial communication, television or radio transmission, receiving or relay, together with a structure for equipment connected therewith, subject to the conditions set forth in Section 622.
3. Campgrounds, subject to:
 - a. All Rules and Regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
 - b. 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.
 - c. Every Campground shall be separated from a public street and from adjoining properties by a buffer strip no less than one hundred (100) feet in width, which shall contain an evergreen planting screen no less than five (5) feet in height when planted. Section 604 of this Ordinance shall be complied with.
 - d. No portions of the Campground shall be used for year-round occupancy.
 - e. All Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 802 for issuance of the original Certificate of Use and Occupancy.

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

Upon due notice, the Township Supervisors may revoke a Certificate of Use and Occupancy for failure by the owner of a Campground to enforce

such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

- f. There shall be a maximum gross density of ten (10) travel trailer or tent sites per acre. Each site shall be a minimum width of twenty-five (25) feet. Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent.
- g. 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 ten feet (10') of any portion of any other travel trailer, tent, or building, including accessory attachments. Each site shall contain at least one (1) parking space which is clear, generally level, and well-drained and no less than ten (10) feet by twenty (20) feet in area.
- h. Each site shall abut and have a direct access to a paved internal roadway which shall be a minimum of twenty feet (20') in width. Parking shall not be permitted on the roads. In all other respects, the roads shall meet the standards of the Penn Township Subdivision and Land Development Ordinance.
- i. A tenant shall not occupy a space in the Campground for more than nine (9) consecutive weeks. Occupancy of any space in the Campground for four (4) or more nights in any one week shall be considered occupancy for one (1) week.

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

The owner of the Campground shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to the Township upon request of the Township Supervisors or person authorized by the Supervisors. The owner shall retain each registration list for a period of one (1) year.

4. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008, as amended by Ord. 2009-03, 11/23/2009, §4.

Section 424. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS

1. Applicability of development options.

- a. Conservation or Country Property Residential Development Options. On tracts eight acres, ATA, or larger, single-family detached dwellings are

permitted in accordance with the requirements of the Conservation or Country Property Options provided in this section and Section 460, Design Standards for Conservation Subdivision Options.

- b. Conventional Residential Development. On tracts less than eight acres, ATA, single-family detached dwellings are permitted in accordance with the requirements of the Conventional Option provided in this section and:
 - i. The use of the Conventional Option shall be limited to tracts existing at the time of adoption of this Section and less than eight acres, ATA.
 - ii. The use of the Conventional Option shall be limited to single-family detached residential uses and customary residential accessory uses, subject to Section 602 of this Ordinance.
 - iii. Maximum number of dwelling units shall be determined through the ATA calculation as described in Section 424.3.
- c. Non-residential development. Non-residential development is permitted, subject to Sections 421 through 424.
- d. A proposed residential improvement for an existing lot that does not qualify as a land development shall comply with the standards provided in this section for the Conventional Option.

2. Density, area, yard, and height regulations for development options

	Conventional	Conservation	Country Property	Non-Residential
Density factor	1du/ 1.83 acres ATA	1du/ 1.83 acres ATA	1du/10ac GTA	NA
Open Space *	0	50% ATA and Constrained Lands from Section 464.3.b	0	0
Minimum lot size	1.83 acres ATA	20,000sf ATA	1 acre ATA	5 acres GTA
Lot width at building line	100'	80'	200'	100'
Impervious coverage	10%	<30,000sf lot – 30% 30,000sf lot or greater – 20%	4%	10%
Front yard setback	50'	20'	100'	75'
Side yard setback	20' minimum, 50' aggregate	30' separation for principal buildings, with no side yard less than 5'	40'	25'
Rear yard	40'	40'	50'	75'

setback				
---------	--	--	--	--

*Additional recreation land and facilities may be required through Section 5.97 of the Subdivision and Land Development Ordinance.

- a. Height regulations. No building or structure shall exceed 35 feet in height. A structure for agricultural use, such as barns and silos, may exceed 35 feet in height, provided that for every one foot of height in excess of 35 feet, there shall be two feet of additional setback required from all lot lines.
3. Density Determination for Conventional Residential Development. Applicants shall determine the maximum number of permitted dwelling units using the following calculation:
- a. Base Site Area
 - i. Gross Tract Area _____ acres
 - ii. Subtract:
 - (1) Existing public road right-of-way _____ acres
 - (2) Land under existing private streets _____ acres
 - (3) Existing utility rights-of-way _____ acres
 - iii. Equals Base Site Area _____ acres
 - b. Constrained Lands Calculation. Constrained Lands consists of the natural resources listed below, multiplied by a protection factor and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

	Resource	Acreage of Resource	Protection Factor	Constrained Lands (acres)
1	100-year Floodplain		x 1.0 =	
2	Wetlands		x 0.95 =	
3	Prohibitive Steep Slopes (over 25%)		x 0.85 =	
4	Precautionary Steep Slopes (15-25%)		x 0.25 =	
CONSTRAINED LANDS = SUM OF 1- 4 =				

- c. Adjusted Tract Area Calculation. Adjusted Tract Area equals the Base Site Area minus the Constrained Lands.

- i. Base Site Area (from a.iii above) _____ acres
 - ii. Subtract the Constrained Lands (from b above) _____ acres
 - iii. Equals Adjusted Tract Area _____ acres
- d. Maximum Number of Dwelling Units. The maximum number of dwelling units equals the Adjusted Tract Area multiplied by the density factor.
- i. Adjusted Tract Area (from c.iii above) _____ acres
 - ii. Multiply by Density Factor x _____
 - iii. Equals Maximum Number of Dwelling Units _____ DU s

Section 430 L - LOW DENSITY RESIDENTIAL DISTRICT

Section 431. SPECIFIC INTENT

It is the purpose of this District to provide an area for agricultural activities, low density residential development, and certain other non-residential activities compatible with agricultural areas.

Section 432. USES PERMITTED BY RIGHT

Land and buildings in the L District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 433, is granted:

1. General Agricultural Uses, subject to Section 655 of this Ordinance.
2. Farm-related business, subject to Section 651 of this Ordinance.
3. Roadside stands, subject to Section 654 of this Ordinance.
4. Open space as part of a conservation subdivision.
5. Single-family detached dwellings subject to Section 434 of this Ordinance as one of the following:
 - A. Conservation Option,
 - B. Estate Lot Option,
 - C. Country Property Option, or
 - D. Conventional Option.

6. Home occupation, subject to Section 613 of this Ordinance.
7. No-impact home based business, subject to Section 614 of this Ordinance.
8. Municipal use.
9. Woodland or game preserve, wildlife sanctuary, or similar conservation use.
10. Forestry.
11. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
12. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
13. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03]

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §5; as amended by Ord. 2017-03, 4/24/2017, §5.

Section 433. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Church or synagogue.
2. Cemetery.
3. Lodges or clubs for hunting, fishing, or gunning.
4. Institution for the care of children, excluding correctional facilities.
5. Recreation area such as, but not limited to: parks (except amusement parks), playgrounds, picnic grounds, riding trails and academies, swimming areas, golf courses (except driving ranges and miniature golf courses), hiking trails, boating, fishing, and hunting areas, camps (except campgrounds), and country clubs, subject to:
 - a. No commercial activity shall be permitted except for the charging of admission, sale of refreshments, rental or sale of athletic equipment, or

such other purpose as is clearly incidental to the permitted recreational use.

6. Bed and breakfast.
7. Tower-Based Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].
8. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
9. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §6; as amended by Ord. 2017-03, 4/24/2017, §6.

Section 434. DENSITY, AREA, YARD AND HEIGHT REGULATIONS

1. Applicability of development options.
 - a. Conservation, Estate Lot, or Country Property Residential Development Options. On tracts eight acres, ATA, or larger, single-family detached dwellings are permitted in accordance with the requirements of the Conservation, Estate Lot, or Country Property Options provided in this section and Section 460, Design Standards for Conservation Subdivision Options.
 - b. Conventional Residential Development. On tracts less than eight acres, ATA, single-family detached dwellings are permitted in accordance with the requirements of the Conventional Option provided in this section and:
 - i. The use of the Conventional Option shall be limited to tracts existing at the time of adoption of this Section and less than eight acres ATA.
 - ii. The use of the Conventional Option shall be limited to single-family detached residential uses and customary residential accessory uses, subject to Section 602 of this Ordinance.
 - iii. Maximum number of dwelling units shall be determined through the ATA Approach as described in Section 434.3.
 - c. Non-residential Development. Non-residential development is permitted, subject to Sections 431 through 434.

- d. A proposed residential improvement for an existing lot that does not qualify as a land development shall comply with the standards provided in this section for the Conventional Option.

2. Density, area, yard, and height regulations

	Conventional	Conservation	Estate Lot	Country Property	Non-Residential
Density factor	1du/1.38 acres ATA	1du/1.38 acres ATA	1du/2.75 acres ATA	1du/10ac GTA	NA
Open Space *	0	50% ATA and Constrained Lands from Section 464.3.b	0	0	0
Minimum lot size	1.38 acres ATA	12,000sf ATA	30,000sf ATA	1 acre ATA	5 acres GTA
Lot width at building line	100'	80'	100'	200'	100'
Impervious coverage	15%	<20,000sf lot – 40% 20,000sf lot or greater – 20%	5%	4%	10%
Front yard setback	50'	20'	100'	100'	75'
Side yard setback	10' minimum, 40' aggregate	30' separation for principal buildings, with no side yard less than 5'	30'	40'	25'
Rear yard setback	40'	40'	50'	50'	75'

*Additional recreation land and facilities may be required through Section 5.97 of the Subdivision and Land Development Ordinance.

- a. Height regulations. No building or structure shall exceed 35 feet in height. A structure for agricultural use, such as barns and silos, may exceed 35 feet in height, provided that for every one foot of height in excess of 35 feet, there shall be two feet of additional setback required from all lot lines.

3. Density Determination for Conventional Residential Development. Applicants shall determine the maximum number of permitted dwelling units using the following calculation:

- a. Base Site Area

i. Gross Tract Area _____ acres

- ii. Subtract:

(1) Existing public road right-of-way _____ acres

- (2) Land under existing private streets _____ acres
- (3) Existing utility rights-of-way _____ acres
- iii. Equals Base Site Area _____ acres

b. Constrained Lands Calculation. Constrained Lands consists of the natural resources listed below, multiplied by a protection factor and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

	Resource	Acreage of Resource	Protection Factor	Constrained Lands (acres)
1	100-year Floodplain		x 1.0 =	
2	Wetlands		x 0.95 =	
3	Prohibitive Steep Slopes (over 25%)		x 0.85 =	
4	Precautionary Steep Slopes (15-25%)		x 0.25 =	
CONSTRAINED LANDS = SUM OF 1- 4 =				

- c. Adjusted Tract Area Calculation. Adjusted Tract Area equals the Base Site Area minus the Constrained Lands.
 - i. Base Site Area (from a.iii above) _____ acres
 - ii. Subtract the Constrained Lands (from b above) _____ acres
 - iii. Equals Adjusted Tract Area _____ acres
- d. Maximum Number of Dwelling Units. The maximum number of dwelling units equals the Adjusted Tract Area multiplied by the density factor.
 - i. Adjusted Tract Area (from c.iii above) _____ acres
 - ii. Multiply by Density Factor x _____
 - Equals Maximum Number of Dwelling Units _____ DU s

Section 440. H- HIGH DENSITY RESIDENTIAL DISTRICT

Section 441. SPECIFIC INTENT

It is the purpose of this District to permit a variety of housing types in an area with close proximity to arterial roads and potential service by public sewer and water systems. The

density of single family detached and semi-detached dwellings will vary with the availability of public sewer and water facilities.

Section 442. USES PERMITTED BY RIGHT

Land and buildings in an H District may be used for the following purposes and no others, unless a Conditional Use or Special Exception, as provided for in Sections 443 and 444, is granted:

1. General Agricultural Uses, subject to Section 655 of this Ordinance.
2. Farm-related business, subject to Section 651 of this Ordinance.
3. Roadside stands, subject to Section 654 of this Ordinance.
4. Open space as part of a conservation subdivision.
5. Single-family detached dwellings subject to Section 445 of this Ordinance as one of the following:
 - A. Conservation Option
 - B. Estate Lot Option, or
 - C. Conventional Option.
6. Home occupation, subject to Section 613 of this Ordinance.
7. No-impact home based business, subject to Section 614 of this Ordinance.
8. Municipal Use.
9. Forestry.
10. Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use.
11. Wind Turbine Use where such use is an accessory use to a use permitted by right, by conditional use, or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
12. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §7; as amended by Ord. 2017-03, 4/24/2017, §12.

Section 443.

USES PERMITTED BY CONDITIONAL USE

1. Village Option, subject to Sections 446, 470, and 808 of this Ordinance. The following uses shall be permitted within the Village Option:
 - a. Single-family detached dwellings.
 - b. Single-family semi-detached dwellings.
 - c. Single-family attached dwellings.
 - d. Open Space.
 - e. Conservancy Lots of at least 10 acres, conforming to the standards for the Country Property Option found in Section 466, and owned by individuals may occupy up to 80 percent of the open space, with the remainder deeded to a homeowners' association, land trust, or the township. The open space within each Conservancy Lot remains subject to the standards for open space in Sections 467 and 468.
 - f. Home occupations in single-family detached dwellings.
 - g. Mixed-Use Area. Where a Mixed Use Area is provided, the following uses shall be permitted:
 - i. Small neighborhood retail (not exceeding 1,200 sq. ft. floor area if in a single-story building, and 2,400 sq. ft. if located in a two-story building, in which the second story may be in residential use).
 - ii. Bed and breakfast establishments.
 - iii. Day care centers.
 - iv. Second-story residential uses above retail uses, professional office, or personal services.
 - h. Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use.
 - i. Retail uses specifically excluded from the Village Option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

Section 444.

USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Church or synagogue.
2. Nursing home or convalescent home, subject to:
 - a. The maximum building height at any point shall be thirty-five feet (35’).
 - b. The minimum building setback from the rear property line shall be seventy-five feet (75’).
 - c. All structures shall be located a minimum of fifty feet (50’) from public streets and the other property lines of the parcel.
 - d. No more than ten percent (10%) of the total area of the parcel shall be covered by buildings.
 - e. No more than ten percent (10%) of the total area of the parcel shall be paved surface, such as streets, interior access drives, parking areas, sidewalks and courts.
 - f. Minimum lot size shall be two (2) acres.
 - g. Minimum lot width at the street line and at the building setback line shall be 200 feet.
 - h. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25’) from the property lines of the parcel.
 - i. All buildings shall be set back a minimum of twenty feet (20’) from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
 - j. All principal buildings shall be separated by a minimum horizontal distance of fifty feet (50’).
 - k. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
 - l. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12’) for each lane of traffic entering or leaving the areas.

- m. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- n. Entrances to and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.
- o. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- p. A landscaping plan for the nursing or convalescent home prepared by a registered architect or registered landscape architect shall be prepared and submitted to the Township Zoning Officer for approval. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. All parking and loading areas shall be screened from view from adjoining properties and streets by a landscape screen.
- q. There shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

3. Mobile home parks, subject to:

- a. The minimum area of a mobile home park shall be five acres.
- b. When the mobile home park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five dwelling units per acre, the minimum area of a mobile home lot shall be five thousand square feet, the minimum lot width at the street line shall be thirty feet, and the minimum lot width at the building setback line shall be forty feet. Where on-lot sewage disposal or water supply is used, each mobile home shall be placed on a lot which shall meet the requirements of Section 445 of this Ordinance.

- c. Not less than fifteen percent of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park. Provision shall be made by the owner of the mobile home park for the development, installation, and perpetual maintenance of such recreation areas. Such recreation areas are further subject to:
 - i. A plan showing how the recreation areas will be developed and equipped shall be submitted to the Township for approval.
 - ii. The size, surface conditions, shape, and location of the parcels shall be suitable for the intended purpose, and be such that recreational use is feasible.
 - iii. No more than fifty percent (50%) of the recreation areas shall be land with slope of over fifteen percent (15%) and/or land with high water table or seasonable high water table as shown on the Soil Survey for Berks County prepared by the Soil Conservation Service.
 - iv. Recreation areas shall be readily accessible to residents of the park, but shall be so located that they can be reached and used safely, without undue traffic or other hazards.
- d. The minimum allowable distance between any mobile home, service or accessory building, or parking facility and a boundary line of the mobile home park shall be fifty feet, provided that no mobile home shall be located closer than seventy-five feet to any street located outside the boundary lines of the park. No mobile home shall be located closer than twenty-five feet to any street located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building not on the same lot, or common parking facility shall be thirty feet.
- e. Two off-street parking spaces shall be provided for each mobile home.
- f. The limits of each mobile home lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
- g. An evergreen planting screen shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen which shall be maintained permanently. Plant material which does not live shall be replaced within one year. The distance between trees shall be such that a full screen will be provided. The permissible distance between plants will vary with the species of planting.

- h. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- i. Permits and Administration are subject to:
 - i. The Certificate of Use and Occupancy issued for a mobile home park shall be valid for one year and shall be renewed each year. Each application for the original Certificate of Use and Occupancy for a mobile home park and for renewal of the Certificate shall be accompanied by a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Protection and an annual permit fee established by the Township Supervisors.
 - ii. A representative of the Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
 - iii. The mobile home park shall contain a structure clearly designated as the office of the park manager.
 - iv. The person to whom a Certificate of Use and Occupancy for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
 - v. A register containing the names of all park occupants, the make, model, and serial number of each mobile home, the date of arrival of each mobile home in the park, and the lot number upon which the mobile home is parked, and the date of departure from the park shall be maintained by the Park Manager. The register shall be available to any person whom the Township Supervisors authorize to inspect the park and shall be kept in the office of the manager.
 - vi. No space within a mobile home park shall be rented for residential use of a mobile home except for periods of one hundred eighty (180) days or more.

4. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008, as amended by Ord. 2009-03, 11/23/2009, §8.

Section 445. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS FOR BY-RIGHT USES

1. Applicability of development options.

- a. Conservation or Estate Lot Development Options. On tracts six acres, ATA, or larger, single-family detached dwellings are permitted in accordance with the requirements of the Conservation or Estate Lot Options provided in this section and Section 460, Design Standards for Conservation Subdivision Options.
- b. Conventional Development. On tracts less than six acres, ATA, single-family detached dwellings are permitted in accordance with the requirements of the Conventional Option provided in this section.
 - i. The use of the Conventional Option shall be limited to tracts existing at the time of adoption of this Section and less than six acres, ATA.
 - ii. The use of the Conventional Option shall be limited to single-family detached residential uses and customary residential accessory uses, subject to Section 602 of this Ordinance.
 - iii. Maximum number of dwelling units shall be determined through the ATA calculation in Section 445.3.
- c. Non-residential development. Non-residential development is permitted, subject to Sections 441 through 445.
- d. A proposed residential improvement for an existing lot that does not qualify as a land development shall comply with the standards provided in this section for the Conventional Option.

2. Density, area, yard, and height regulations for development options.

	Conventional	Conventional**	Conservation **	Estate Lot	Non-Residential
Density factor	1 du/ 1 acre ATA	1du/0.46 acres ATA	1du/0.46 acres ATA	1du/1 acre ATA	NA
Open Space *	0	0	50% ATA and Constrained Lands from Section 464.3.b	0	0
Minimum lot size	1 acre ATA	20,000sf ATA	5,000sf ATA	20,000sf ATA	1 acre
Lot width at building line	80'	80'	40'	80'	80'
Impervious coverage	15%	25%	<10,000sf lot – 50% 10,000sf lot or greater – 35%	20%	30%
Front yard	40'	30'	20'	40'	40'

setback					
Front-loading garage		8' minimum behind principal façade	8' minimum behind principal façade		
Side yard setback	25'	15'	20' separation for principal buildings, with no side yard less than 5'	25'	25'
Rear yard setback	30'	20'	20'	30'	30'
Accessory structures	10'	10'	10'	10'	30'

*Additional recreation land and facilities may be required through Section 5.97 of the Subdivision and Land Development Ordinance.

** Requires public sewer and water

- a. Height regulations. No building or structure shall exceed 35 feet in height. A structure for agricultural use, such as barns and silos, may exceed 35 feet in height, provided that for every one foot of height in excess of 35 feet, there shall be two feet of additional setback required from all lot lines.
3. Density Determination for Conventional Residential Development. Applicants shall determine the maximum number of permitted dwelling units using the following calculation:
- a. Base Site Area
 - i. Gross Tract Area _____ acres
 - ii. Subtract:
 - (1) Existing public road right-of-way _____ acres
 - (2) Land under existing private streets _____ acres
 - (3) Existing utility rights-of-way _____ acres
 - iii. Equals Base Site Area _____ acres
 - b. Constrained Lands Calculation. Constrained Lands consists of the natural resources listed below, multiplied by a protection factor and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

	Resource	Acreage	Protectio	Constrained
--	----------	---------	-----------	-------------

		of Resource	n Factor	Lands (acres)
1	100-year Floodplain		x 1.0 =	
2	Wetlands		x 0.95 =	
3	Prohibitive Steep Slopes (over 25%)		x 0.85 =	
4	Precautionary Steep Slopes (15-25%)		x 0.25 =	
CONSTRAINED LANDS = SUM OF 1- 4 =				

c. Adjusted Tract Area Calculation. Adjusted Tract Area equals the Base Site Area minus the Constrained Lands.

i. Base Site Area (from a.iii above) _____ acres

ii. Subtract the Constrained Lands (from b above) _____ acres

iii. Equals Adjusted Tract Area _____ acres

d. Maximum Number of Dwelling Units. The maximum number of dwelling units equals the Adjusted Tract Area multiplied by the density factor.

i. Adjusted Tract Area (from c.iii above) _____ acres

ii. Multiply by Density Factor x _____

iii. Equals Maximum Number of Dwelling Units _____ DU s

Section 446. DENSITY, AREA, YARD, AND HEIGHT REGULATIONS FOR CONDITIONAL USES

1. Applicability of development options.

a. Village Option. On tracts six acres, ATA, or larger, the Village Option is permitted as a conditional use in accordance with the requirements of this section and Section 470, Design Standards for Village Option. Public sewer and water are required.

2. Density, area, yard, and height regulations for residential structures in the Village Option.

a. The density factor shall not exceed one dwelling per 0.23 acres, ATA.

b. Minimum open space shall be 45% ATA and Constrained Lands from Section 464.4. Additional recreation land and facilities may be required

through Section 5.97 of the Subdivision and Land Development Ordinance.

- c. Height regulations. No building or structure shall exceed 35 feet in height. A structure for agricultural use, such as barns and silos, may exceed 35 feet in height, provided that for every one foot of height in excess of 35 feet, there shall be two feet of additional setback required from all lot lines.

	Single-family detached	Single-family semi-detached	Single-family Attached
Minimum lot size	5,000sf ATA	2,500sf ATA	2,500sf ATA/dwelling
Lot width at street line	20'	20'	20'
Lot width at building line	40'	25'	20'
Front yard setback Front-loading garage	15' 8' minimum behind principal facade	15' 8' minimum behind principal facade	15' 8' minimum behind principal facade
Side yard setback*	20' separation for principal buildings, with no side yard less than 5'	20' separation for principal buildings, with no side yard less than 5'	20' separation for principal buildings, with no side yard less than 5'
Rear yard setback	35'	35'	35'
Building setbacks from Perimeter Property Lines	55'	55'	55'
Alley access garages	13' from alley center line	13' from alley center line	13' from alley center line

* Does not apply to common party wall

- d. Maximum Impervious Coverage.

	Impervious Coverage
Residential Area	
Lots less than 6,000sf in area	75 %
Lots 6,000sf in area or greater	50%
Mixed-Use Area	80%
Village Greenway Area	5%

- e. Single-family attached units may be permitted without individual lots. The total maximum impervious coverage for units not provided with individual lots shall be limited to 65% of the gross land area devoted to such building as follows:
- f.
 - i. The gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking, access, and yard areas clearly associated

with and in the immediate vicinity of the subject residential development.

- ii. The gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.
3. Intensity, area, bulk, and height regulations for non-residential and mixed-use structures in the Village Option.
- a. Maximum non-residential intensity. Village development may contain non-residential uses in a Mixed Use Area. Non-residential and mixed-use buildings, including parking, shall be limited to six percent of the Adjusted Tract Area or three acres, whichever is less. This limit may be increased as follows:
 - i. Non-residential and mixed-use building coverage and their associated parking and service areas may occupy up to 12% of the ATA, or six acres, whichever is less, if they include second-story residential units above at least 10% of the non-residential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted, provided the total number of dwelling units shall not be increased by more than 10 dwelling units, or ten percent, whichever is greater.
 - ii. Non-residential and mixed-use building coverage and their associated parking areas may occupy up to 18% of the ATA, or nine acres, whichever is less, if they include second-story residential units, provided that at least half of the new non-residential building coverage is two-stories, and at least 25 percent of the second-story space is designed for residential uses.
 - b. The minimum lot size for non-residential and mixed-uses in the Village Option shall be determined by adding 20 percent to the land area needed for the structure, on-lot parking, ingress/egress, and any on-site infrastructure that is required (e.g., septic disposal areas, stormwater management areas). The additional 20 percent shall constitute setbacks and landscaped buffers. This area shall be exclusive of the 100 year floodplain, wetlands and slopes over 25%.
 - c. Minimum street frontage: 25 feet
 - d. Building setbacks
 - i. Front: Fifteen foot setback maximum.

- ii. Rear: Twenty foot minimum.
- iii. Side: Five foot minimum.

e. No building or structure shall exceed 35 feet in height.

Section 450. S – SPECIAL USE DISTRICT

Section 451. SPECIFIC INTENT

It is the purpose of this District to provide an area within the Township, as shown on the Zoning Map, for junkyards, landfills, and certain other non-residential activities.

Section 452. USES PERMITTED BY RIGHT

Land and buildings in an S District may be used for the following purposes and no others, unless a Conditional Use or Special Exception, as provided for in Sections 452.1 and 453, is granted:

1. Forestry.
2. Wind Turbine Use where such use is an accessory use to a use permitted by right, by special exception, or by conditional use in this district, in accordance with Article XI. [Ord. 2009-03].
3. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §9; as amended by Ord. 2017-03, 4/24/2017, §8.

Section 452.1. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Tower-Based Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].
2. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §10; as amended by Ord. 2017-03, 4/24/2017, §9.

Section 453. USES PERMITTED BY CONDITIONAL USE

The following uses are permitted when a Conditional Use is granted by the Township Board of Supervisors in accordance with Section 808 of this Ordinance.

1. Junk Yards, subject to:

- a. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
- b. No garbage or organic waste shall be stored.
- c. Whenever any motor vehicle or part thereof shall be received in the junk yard, and shall not be held for resale as an operating unit, all fluids shall be removed from the motor vehicle or part thereof.
- d. The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting purposes.
- e. The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation of stagnant water upon the premises.
- f. No open burning shall be permitted.
- g. All junk yards shall be completely enclosed, except at entrances, by an evergreen planting screen of a minimum height of six (6) feet which shall be backed by a fence at least six (6) feet in height. The fence shall contain gates at all entrances which shall be locked except during operating hours.
- h. No materials shall be stored less than thirty (30) feet from any street outside the lot on which the junk yard is located and no materials shall be stored less than thirty (30) feet from a lot line of the lot on which the junk yard is located.
- i. No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junk yard, providing that in no case shall materials be stacked to a height exceeding ten (10) feet.

2. Sanitary landfill, subject to:

- a. The operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection. All landfills shall be operated in accordance

with the Pennsylvania Solid Waste Management Act and the rules and regulations of the Pennsylvania Department of Environmental Protection.

- b. The minimum lot size shall be fifteen (15) acres.
- c. No landfill operation shall be carried out within one hundred feet (100') of any property line of the sanitary landfill or within one hundred feet (100') of any public street.
- d. A fence of a minimum height of six (6) feet shall be erected along all boundary lines of the area which is used as a sanitary landfill. The fence shall not contain openings greater than nine (9) square inches and shall contain, at all entrances, gates which shall be locked except during operating hours. An evergreen screen of a minimum height of six (6) feet shall be maintained along boundary lines of the landfill, except at entrances.
- e. Hazardous waste shall not be permitted to be placed in the landfill.
- f. There shall be no burning of solid wastes within the landfill.
- g. No operations shall be carried out on Sundays or legal holidays, nor between the hours of 7:00 P.M. and 7:00 A.M.
- h. Landfill operators shall keep a log of all deposits in the landfill including, date, time, depositor, and material deposited, which shall be made available for review upon request of the Township.
- i. Landfills shall be subject to yearly permit fees established by resolution of the Township Supervisor, to cover Township expenses in inspecting the landfill.
- j. Solid waste or debris shall not be deposited upon public roads.
- k. A plan for reclamation of the landfill shall be prepared and submitted to the Township for approval.
- l. The applicant shall submit an Environmental Impact Statement, the scope and depth of which shall be approved by the Township, which shall detail the anticipated environmental effects of the landfill on the physical characteristics of the site and adjacent properties, including any potential health or safety hazards, nuisances, and environmental degradation.
- m. An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Township Supervisors.

- n. Scavenging shall be prohibited.
3. Refuse transfer or recycling station, subject to:
- a. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitant of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
 - b. No materials shall be burned on the premises.
 - c. Gasoline, oil or other flammable or toxic substances shall be removed from any recyclable materials or other items stored in the premises, shall be removed and disposed of in a proper manner, and shall not be deposited on or into the ground.
 - d. All materials shall be stored within buildings.
4. Any uses not otherwise specifically provided for in the Ordinance.

Section 454. AREA, YARD, AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	
Agricultural Buildings	None
All Other Buildings	30 Feet
Impervious Surface	20 Percent

Minimum Requirements

Lot Size	1 Acre
Lot Width	
At Street Line	150 Feet
At Building Setback Line	200 Feet
Building Setback	50 Feet
Side Yard (each side)	40 Feet
Rear Yard	75 Feet

Section 455. O – OPEN SPACE AND RECREATIONAL DISTRICT

Section 456.

SPECIFIC INTENT

It is the purpose of this District to provide an area, as shown on the Zoning Map, which includes most of the area within the Township which is owned by the Pennsylvania Game Commission and the United States Federal Government in and around Blue Marsh Lake, to do the following:

1. Promote the preservation of land and waterways which because of location or natural features have a unique character for open space and recreation purposes, and to facilitate and provide for the conservation of significant natural resources.
2. Permit and encourage the retention of existing and potential open space and recreation areas, significant natural resources, water bodies, and lands in and around the major water features such as the Blue Marsh Lake and Tulpehocken Creek and its tributaries, which constitute a unique and important natural resource of the Township;
3. Ensure the retention of large expanses of woodlands and forest preserves that conserve other important resources; moderate the effects of winds and storms; absorb pollutants and noise; serve as a shelter for wildlife; and provide a diverse environment for the Township.
4. Preserve aquifers and maintain both the quantity and quality of groundwater.
5. Maintain rural and scenic vistas, especially onto, from, and around water bodies, and ridges or hilltops.
6. Ensure that access to such open space, recreation, and conservation lands is not blocked by private development and that is encouraged through appropriate legal mechanisms.
7. Establish reasonable standards of performance in order to maintain the desirable benefits of open space, recreation, and conservation areas;
8. Ensure that the uses in this District will not have any adverse effect on the natural amenities and resources located here or in abutting residential areas.
9. Relate open space, recreation, and conservation areas to existing residential areas and to existing or potential "open space" type areas on adjacent tracts to assure consistency of use and lack of conflict between adjacent areas.

Section 457.

USES PERMITTED BY RIGHT

Land and buildings in an O District may be used for the following purposes and no others, unless a Special Exception, as provided for in Sections 457.1, is granted:

1. Forestry.
2. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
3. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §11; as amended by Ord. 2017-03, 4/24/2017, §10.

Section 457.1 USES PERMITTED BY SPECIAL EXCEPTION

The following uses or combination of uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Natural open space uses primarily of a passive nature and conducted out-of-doors, such as wildlife sanctuary, forest preserve, reservoir, watershed protection area, nature center, arboretum, outdoor education center, and similar uses.
2. Game farm, fish hatchery, hunting or fishing preserve, or similar uses designed for the protection or propagation of wildlife.
3. Parks and recreation areas providing facilities of a passive or non-intensive nature, including hiking, bicycling, bridle paths, picnicking, fishing areas, boating, swimming, ice skating, picnic areas, playing fields, and similar uses.
4. Campgrounds for overnight or daytime use.
5. Extraction of natural resources, if conducted in accordance with sound environmental practices.
6. Utilities and community facilities, including transmission lines and substations and similar apparatus, sewage disposal and water treatment plants, appurtenances and facilities, watershed protection works, reservoirs, and pipelines.
7. Agricultural activities of the following types, provided they are conducted in accordance with recognized sound soil conservation practices:
 - a. The cultivation, harvesting, and sale of crops and related farm products.
 - b. The raising and sale of livestock or fowl, along with associated pasture and grazing land.

- c. Orchards, nurseries, greenhouses, and related horticultural uses.
- 8. Historic sites or buildings, which are open for public viewing and inspection, and provided that they meet the development regulations contained in this district.
- 9. Single-family detached dwelling provided that it is occupied by ground keepers, security guards, etc., as an accessory use associated with an otherwise permitted use.
- 10. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03].

Ord. 2008-05, 10/27/2008, as amended by Ord. 2009-03, 11/23/2009, §12.

Section 458. DEVELOPMENT STANDARDS

- 1. Open Space Character. The buildings and/or uses shall preserve to the maximum extent possible all floodplains, stream valleys, steep slopes, wooded areas, prime agriculture soils, and similar environmentally sensitive areas and shall be planned to minimize the intensity of development; after development the site shall basically retain an open or rural character.
- 2. Access. Public access easements, deed restrictions, or other legal mechanisms to permit access to or through privately owned land for such purposes as hunting, fishing, hiking, bridle paths, or bicycling are strongly encouraged.
- 3. Commercial Activity. No commercial activity shall be permitted except for charging of admission, the sale of refreshments, boat rentals, or such other purposes as are clearly incidental to the permitted outdoor activity. Each permitted commercial activity shall be located or screened so that it shall not be visible from a public street.
- 4. Off-Street Parking. The provisions of Article VI.1, Off-Street Parking, shall apply to all uses in this District except that pervious surfaces for parking areas and access drives are strongly encouraged in this District. In the event that the use contemplated is not specifically covered by the terms of Article VI.1, adequate off-street parking must be shown on the development plan to accommodate the maximum number of persons expected to be using the facilities on a day-to-day basis.
- 5. Parking Setbacks. All parking areas accommodating six or more vehicles, or driveways used by same shall be set back from all property lines by a minimum distance of 20 feet except for providing access to the property. Within that setback a buffer at least 15 feet wide shall be provided.
- 6. Signs. No billboards, signs, or permanent external advertising displays of any kind shall be erected, altered, or used in the O District except for those

advertising, informing of service, business, occupation, or profession carried in or about the property on which such advertisement appears. All requirements of Article VI.1, Signs, herein must also be adhered to.

- 7. Public Convenience Facilities. In any facility or recreation area which is open to the public, toilet facilities, drinking fountains, seating accommodations, and similar facilities shall be provided for the satisfactory accommodation of all persons customarily using the proposed facilities or recreation area.

Section 459. AREA, YARD, AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	
Agricultural Buildings	None
All Other Buildings	30 Feet
Impervious Surface	20 Percent

Minimum Requirements

Lot Size	1 Acre
Lot Width	
At Street Line	150 Feet
At Building Setback Line	200 Feet
Building Setback	50 Feet
Side Yard (each side)	40 Feet
Rear Yard	75 Feet

Section 460. STANDARDS FOR CONSERVATION SUBDIVISION OPTIONS

Section 461. SPECIFIC INTENT

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

- 1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;

2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
5. To implement adopted township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the township's Comprehensive Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
6. To implement adopted land use, transportation, and community policies, as identified in the township's Comprehensive Plan;
7. To protect areas of the township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
9. To provide for the conservation and maintenance of open land within the township to achieve the above-mentioned goals and for active or passive recreational use by residents;
10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);
11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
12. To conserve scenic views and elements of the township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

Section 462. GENERAL REGULATIONS

The design of all new subdivisions created under this Section shall be governed by the following minimum standards:

1. **Ownership:** The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
2. **Site Suitability:** As evidenced by the Existing Resources/Site Analysis Plan (ER/SA), the Preliminary Plan, and the Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
3. **Combining the Design Options:** The various layout and density options described in this Section may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Section, as compared with applying a single option to the property.
4. **Sensitive Area Disturbance:** The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the ER/SA Plan. Lands within the 100-year floodplain, wetlands, and slopes in excess of 25%, constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.
5. **Community Wastewater Systems:** In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the township's "Ordered List of Preferred Alternative Types of Community Wastewater Systems" contained in Section 5.60 of the Subdivision and Land Development Ordinance.

Section 463. APPLICABILITY

These regulations shall apply to

1. Single-family detached residential use in the P and L Districts on tracts 8 acres, ATA or larger.
2. Single-family detached residential use in the H District on tracts 6 acres, ATA or larger.

Section 464. STANDARDS FOR CONSERVATION OPTION

- 1 Density Factor. The maximum permitted number of dwelling units for this option shall follow the requirements in the P, L, and H Districts and shall be determined through the ATA calculation as described in Sections 464.3 through 464.6.

2. Minimum Required Open Space for Conservation Option
 - A. The subdivision must include at least 50 percent of the ATA plus all of the constrained land calculated in Section 464.3, below, as Open Space. Open Space shall not be used for residential lots, except as provided below for Conservancy Lots.

 - B. Conservancy Lots of at least 10 acres, conforming to the standards for the Country Property Option found in Section 466, and owned by individuals may occupy up to 80 percent of the Open Space, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the township. However, the Open Space within each Conservancy Lot remains subject to the standards set forth in Sections 467 and 468.

3. Density Determination. Applicants shall determine the maximum number of permitted dwelling units using the following calculation:
 - A. Base Site Area
 - i Gross Tract Area _____ acres

 - ii Subtract:
 - (1) Existing public road right-of-way _____ acres
 - (2) Land under existing private streets _____ acres
 - (3) Existing utility rights-of-way _____ acres

 - iii Equals Base Site Area _____ acres

4. Constrained Lands Calculation. Constrained Lands consists of the natural resources listed below, multiplied by a protection factor and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

	Resource	Acreage of Resource	Protection Factor	Constrained Lands (acres)
1	100-year Floodplain		x 1.0 =	
2	Wetlands		x 0.95 =	
3	Prohibitive Steep Slopes (over		x 0.85 =	

	25%)			
4	Precautionary Steep Slopes (15-25%)		x 0.25 =	
CONSTRAINED LANDS = SUM OF 1- 4 =				

5. Adjusted Tract Area Calculation. Adjusted Tract Area equals the Base Site Area minus the Constrained Lands.

- i Base Site Area (from a.iii above) _____ acres
- ii Subtract the Constrained Lands (from 4 above) _____ acres
- iii Equals Adjusted Tract Area _____ acres

6. Maximum Number of Dwelling Units. The maximum number of dwelling units equals the Adjusted Tract Area multiplied by the density factor set forth in the P, L, or H District.

- i Adjusted Tract Area (from 5.iii above) _____ acres
- ii Multiply by Density Factor x _____
- iii Equals Maximum Number of Dwelling Units _____ DU s

8 Design Standards.

Houselots shall not encroach upon Primary Conservation Areas as identified in Section 5.87 of the Subdivision and Land Development Ordinance, and their layout shall respect Secondary Conservation Areas as described in the Subdivision and Land Development Ordinance.

9. All new dwellings shall meet the following setback requirements:

- i From all external road ultimate right-of-way - 100 feet
- ii From all other tract boundaries - 50 feet
- iii From cropland or pasture land - 100 feet
- iv. From buildings or barnyards housing livestock - 300 feet
- v. From active recreation areas such as courts or playingfields (not including tot-lots) - 150 feet

10 Views ofouselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional

landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.

12. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.
13. At least 75% of the lots shall directly abut or face Open Space across a street.

Section 465. STANDARDS FOR ESTATE LOT OPTION

1. Density Factor. The maximum permitted number of dwelling units for this option shall follow the requirements as provided in the L and H Districts and shall be determined through the ATA calculation as described in Sections 464.3 through 4.64.6.
2. All lots created under this option shall be permanently restricted by a deed restriction that prohibits future subdivision. A note shall be placed on the Final Plan stating where the restriction applies.

Section 466. STANDARDS FOR COUNTRY PROPERTY OPTION

1. Density Factor. The maximum permitted number of dwelling units for this option shall equal one principal dwelling unit per ten acres of Gross Tract Area.
2. The lot shapes shall not be irregular, except as allowed for flag lots, and shall not have a lot depth-width ratio exceeding 5:1 unless such lots are deed restricted from the development of more than one dwelling.
3. All lots created under this option shall be permanently limited by a deed restriction that prevents future subdivision. A note shall be placed on the Final Plan stating the restriction and identifying the lots.
4. Accessory dwelling units (ADUs) are subject to the following provisions:
 - a. Accessory dwelling units in principal residences or in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the township's historic landscape.
 - b. There shall be a maximum of one ADU on any legal building lot, and a maximum of two ADUs on any legal building lot containing ten or more acres.
 - c. The gross floor area in the first ADU shall not exceed 900 sf. In the second ADU, where permitted, the maximum area shall be 750 sf. However, on lots exceeding fifteen (15) acres, the second ADU may take the form of a tenant house containing up to 2,000 sq. ft. of floor space.

Under this section, existing historic accessory buildings more than 75 years old that exceed these floorspace limits may be permitted by the Board to be used as ADU's without having to meet the dimensional setback requirements of this ordinance.

- d. Building permits for ADUs shall not be issued until the applicant demonstrates to the Board that a restrictive easement has been placed on the subject property prohibiting future expansion of the ADUs, or the creation of additional ADUs beyond the limits described above. Issuance of permits for ADU's shall be contingent upon review of the township Act 537 Plan.
5. In Country Properties Option subdivisions where applicants voluntarily opt to develop their properties at densities conforming with Country Property Option standards, and offer to place a restrictive conservation easement preventing future subdivision of the newly created parcels, the Board shall review the proposed easements and shall accept them, provided their wording accomplishes the purposes of this Ordinance and is consistent with the Comprehensive Plan.

Section 467. OPEN SPACE LAND USE AND DESIGN STANDARDS

1. The following uses are permitted in Open Space:
 - a. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
 - b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 - c. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required Open Space.
 - d. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
 - e. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board.
 - f. Active non-commercial recreation areas, such as playingfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the

minimum required Open Space or five acres, whichever is less. Playingfields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.

- g. Golf courses, including their parking areas and associated structures, may comprise up to half of the minimum required Open Space, but shall not include driving ranges or miniature golf.
- h. Water supply, sewage absorption areas, and stormwater management areas designed, landscaped, and available for use as an integral part of the Open Space.
- i. Easements for drainage, access, sewer or water lines, or other public purposes;
- j. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required Open Space.

2. Open Space Design Standards

- a. Open Spaces shall be laid out to create an interconnected network of open space. The required Open Space consists of a mixture of primary conservation resources, all of which must be included, and secondary conservation resources. Primary conservation resources comprise floodplains, wetlands, and slopes over 25%. Secondary conservation resources should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in Section 5.87 in the Subdivision and Land Development Ordinance.
- b. Open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the township, or by a private individual. However, not less than 30% of the ATA shall be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the Open Space may be owned by different entities.
- c. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, gameland, a natural greenway buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive plant and tree species.

- d. No portion of any building lot may be used for meeting the minimum required Open Space, except as permitted within Conservancy Lots of at least 10 acres, designed as an integral part of Conservation or Village Option subdivisions. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required Open Space.
- e. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes shall be provided to Open Space in accordance with the following requirements:
 - i. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of 35 feet in width.
 - ii. Access to Open Space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- f. All Open Space areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.
- g. Greens.
 - i Two percent of the required open space shall be in greens, whenever the average Conservation Option lot size is 15,000 sf or more.
 - ii Three percent of the required open space shall be in greens, whenever the average Conservation Option lot size is less than 15,000 sf.
 - iii. Greens shall be between 5,000 sf and 30,000 sf and shall be created and maintained as the Open Space around which dwellings are arranged. Dwellings shall face the green with the front façade of the dwelling.

Section 468.

OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES

1. In Conservation and Village Option subdivisions, the required Open Space shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie with the Board.
2. Development Restrictions. All Open Space shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 467.

3. Ownership Options. The following methods may be used, either individually or in combination, to own open space and common facilities. Open space and common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:
- a. Fee Simple Dedication to the Township. The township may, but shall not be required to, accept any portion of the common facilities, provided that:
 - i. There is no cost of acquisition to the township; and,
 - ii. The township agrees to and has access to maintain such facilities.
 - b. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."
 - c. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - i. The applicant shall provide the township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
 - ii. The proposed association shall be established by the owner or applicant and shall be operating, (with financial subsidization by the owner or applicant), if necessary, before the sale of any dwelling units in the development;
 - iii. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title;
 - iv. The association shall be responsible for maintenance and insurance of common facilities;
 - v. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;

- vi. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the township no less than thirty days prior to such event; and
 - vii. The association shall have adequate staff to administer, maintain, and operate such common facilities.
- d. Private Conservation Organization or the County. With permission of the township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to Berks County provided that:
- i. The conservation organization is acceptable to the township and is a bona fide conservation organization intended to exist indefinitely;
 - ii. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Berks County becomes unwilling or unable to continue carrying out its functions;
 - iii. The Open Space is permanently restricted from future development through a conservation easement and the township is given the ability to enforce these restrictions; and
 - iv. A maintenance agreement acceptable to the township is established between the owner and the organization or Berks County.
- e. Dedication of Easements to the Township. The township may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the township. In addition, the following regulations shall apply:
- i. There shall be no cost of acquisition to the township;
 - ii. Any such easements for public use shall be accessible to the residents of the township; and
 - iii. A satisfactory maintenance agreement shall be reached between the owner and the township.
- f. Non-Common Private Ownership. Up to 80 percent of the required Open Space may be included within one or more Conservancy Lots of at least 10 acres provided the open space is permanently restricted from future development

through a conservation easement, except for those uses listed in Section 467, and that the township is given the ability to enforce these restrictions.

4. Maintenance

- a. Unless otherwise agreed to by the Board, the cost and responsibility of maintaining common facilities and Open Space shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
- b. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Open Spaces and Operation of Common Facilities in accordance with the following requirements.
 - i. The Plan shall define ownership;
 - ii. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
 - iii. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - iv. At the township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
 - v. Any changes to the maintenance plan shall be approved by the Board.
- c. In the event that the organization established to maintain the Open Space and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- d. The township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the township in the office of the Prothonotary of Berks County.

Section 470. STANDARDS FOR VILLAGE OPTION

Section 471. SPECIFIC INTENT

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

1. To encourage creation of a functionally diverse, but visually unified, community focused on a central square.
2. To promote use of neighborhood greens, landscaped streets, boulevards, parkways, and “single-loaded” streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment.
3. To provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.
4. To promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community.
5. To preserve Open Space, scenic vistas, agricultural lands, and natural areas.

Section 472. GENERAL REGULATIONS

The design of all new subdivisions created under this Section shall be governed by the following minimum standards:

1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
2. Site Suitability: As evidenced by the Existing Resources/Site Analysis Plan (ER/SA), the Preliminary Plan, and the Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
3. Combining the Design Options: The various layout and density options described in this Article may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.
4. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the ER/SA Plan. Lands within the 100-year floodplain, wetlands, and slopes in excess of 25% constitute such environmentally

sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.

Section 473. APPLICABILITY

These regulations shall apply to Village Option development as permitted by Conditional Use in the H District on tracts 6 acres, ATA or larger.

Section 474. STANDARDS FOR VILLAGE OPTION

1. Density Factor. The maximum permitted number of dwelling units for this option shall follow the requirements as provided in the H District and this Section and shall be determined through the ATA calculation as in Sections 464.3 through 464.6.

Determined in Section Number		No. of Units
446.2.a	ATA x Density Factor (1du/0.23ac ATA)	
446.3	Mixed-Use Area Dwelling Units Constructed above Commercial Uses	
	Maximum Number of Permitted Dwelling Units =	

2. New village development shall be compact with a well-defined edge between new developed areas of the village and adjacent rural, undeveloped lands, and when extending the geographical boundaries of an existing village.
3. Mix of residential uses. Village developments shall consist of at least two dwelling types. Up to 40% of all new units may be semi-detached dwellings, and a further 25% may be attached dwellings. These percentages should be interpreted as guidelines. Village developments containing fewer than 10 dwelling units may consist of 100 percent single-family detached units. Conservancy Lots do not count as a dwelling type to fulfill this requirement.
4. Location Considerations for Village Uses. Residential lots in villages shall be located at least 250 feet from any existing two-lane state-numbered highway, unless effectively screened from the public viewshed by virtue of topography, dense vegetation, or other physical or visual barriers.
5. Conservancy Lots of at least 10 acres, conforming to the standards for the Country Property Option found in Section 466 and owned by individuals may occupy up to 80 percent of the Open Space, with the remainder deeded to a homeowners' association, land trust, or the township. However, the Open Space within each Conservancy Lot remains subject to the standards set forth in Sections 467 and 468.
6. Block Design.

- a. Villages shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.
- b. The maximum length of a block shall be 500 feet. When mid-block footpaths are provided that connect uses and open space, this length may be extended up to 800 feet.
- c. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Board when topography, existing vegetation, or hydrology considerations influence block shape and size.
- d. In the Mixed Use Area, at least one pedestrian pathway, a minimum of eight feet wide, shall be provided for every 250 feet of street frontage, connecting with rear parking lots.
- e. Each block that includes storefronts and/or townhomes less than 40 feet wide shall be designed to include a rear alley serving parking areas or garages in the rear.
- f. Local access streets shall be configured using a design speed of 25 mph. Traffic calming techniques shall include “T” intersections, traffic islands, circles, loops or crescents, roundabouts, three-way and four-way stop signs. Speed bumps shall be avoided. At least 25 percent of local access streets shall terminate in “T” intersections. The distance between “T” intersections shall not exceed three blocks or 1,500 linear feet, whichever is less.

7. Residential Architecture

- a. Dwellings shall be designed to reflect the County's vernacular building tradition for such building types. When different housing types are proposed, they shall be integrated architecturally and in scale so that they can be physically incorporated within the same streetscape as single-family dwellings and nonresidential buildings, and not isolated from each other in separate areas.
- b. Single-family detached and semi-detached dwellings shall be designed so that:
 - i. At least 65% shall be oriented with their gable-ends facing the street.
 - ii. At least 35 percent shall have a covered front entry porch, raised a minimum of 18 inches above ground level.
- c. Single-family attached dwellings shall be designed so that:

- i. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.
 - ii. Flat roofs, if provided, shall be enclosed by parapets a minimum of 42 inches high to conceal mechanical equipment.
 - iii. Parking is encouraged to be located at the rear of the building. As an alternative, recessed front-loading garages may be provided.
 - iv. The first floor elevation shall be raised a minimum of 18 inches above ground level and a stoop or porch shall be provided at the front door.
 - d. Roof Pitch. Pitched roofs with slopes between 8:12 and 12:12 shall be encouraged.
 - e. Accessory Dwelling Units. The design of accessory dwelling units shall comply with the following regulations:
 - i. Exterior fire escapes are prohibited on any side of accessory dwelling units except at the rear.
 - ii. All off-street parking for accessory dwelling units shall be located to the side or rear and shall be visually screened from adjoining properties.
 - f. Access to houselots. New houselots shall be accessed from interior streets, rather than from roads bordering the tract.
- 8. Mixed-Use Area. This area serves as the village core. A Mixed-Use Area is not required as part of the Village Option, but when proposed, it shall meet the requirements of this section. All non-residential uses shall be located within the Mixed Use Area. This area shall provide a variety of retail shops and services complemented by other compatible business, civic, and institutional uses in buildings consistent in scale with a small downtown or central market place in the community. Upper-story dwelling units above non-residential uses are specifically encouraged. First floor residential uses are prohibited.
 - a. Mixed Use Areas shall be located within 1,500 feet of at least 50% of the dwelling units in the Village. Nonresidential uses that are intended to serve an area beyond the village itself shall be located to permit vehicular access from outside the village without passing through residential streets. This part of the village may be located close to an arterial.
 - b. The primary green shall border on the principal street running through the Mixed Use Area, or be located so as to constitute the terminal vista of that street. This central green shall be located within 1,500 feet of 80% of all dwelling units in the village. Alternatively, two greens of at least 6,000 sq. ft. may be substituted for the central green, in order to meet the proximity standard. The type of trees and

shrubs used shall be such that vistas through the open space are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, park benches and pedestrian-scale lamp posts. They shall be designed as attractive gathering places for all village residents in both day and evening. No green shall contain more than 10% impervious coverage.

c. Parking

- i. Non-residential off-street parking shall be to the side or rear, or located within internal parking areas not visible from the street.
- ii. On-street parking spaces along the street frontage of a lot except where there are driveway curb-cuts shall be counted toward the minimum number of parking spaces required for the use on that lot.
- iii. On-street parking spaces shall be designed to be parallel to the curb.
- iv. Off-street parking may be located within 600 feet, measured along a publicly accessible route, from the lot containing the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory shall continue and it is owned by an entity capable of assuring its maintenance as accessory parking

d. Design Considerations along a two lane state highway. When the Mixed Use Area is located along an existing state highway the following provisions shall apply:

- i. The buildings shall be designed with display windows and signage facing the state highway.
- ii. Canopy trees shall be planted at intervals not greater than 40 feet along the state highway.
- iii. The Mixed Use Area shall not parallel the state highway for a distance greater than 600 feet, unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the Mixed Use Area as it parallels the state highway. If berms are used within the buffer they shall be no taller than two feet and shall taper gradually into the landscape with slopes not exceeding 1:5.

e. Massing. To harmonize with the traditional scale of commercial buildings in historic villages, the massing of larger commercial buildings shall be de-emphasized using, but not limited to, one of the following methods:

- i. The use of projecting and recessed sections, to reduce their apparent overall bulk. Facade breaks shall be at least three feet in depth. Such breaks in facades and roof lines shall occur not more frequently than 50 feet, the width of two historic shop fronts.
 - ii. New commercial buildings with more than 1,500 square feet of floor space (above grade) shall be at least 1.5 stories in height.
 - iii. Mixed use buildings fronting on the same street and located on the same block shall be attached, or located not more than 15 feet apart, except when separated by a “pocket park” or a common, green or square.
 - iv. Mixed use buildings shall have at least 60 percent of their front facade coincident with their street frontage, including frontage onto courtyards.
- f. Architectural Style and Detail.
 - i. Buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other architectural feature.
 - ii. The use of special architectural elements, such as but not limited to towers, turrets and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.
 - iii. Main Entrances.
 - 1. As one of the most important parts of the facade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design, usually recessed, and shall be compatible with the architectural style of the structure.
 - 2. Main entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.
 - 3. When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.
 - iv. Rear Entrances and Facades. When rear parking is provided, rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront. The following requirements shall be met:

1. Adequate lighting shall be provided for security, pedestrian safety and decorative purposes.
 2. Trash and service areas, utility lines, mechanical equipment and meter boxes shall be appropriately screened from customer entrances.
- v. Windows.
1. The front elevation of commercial and office buildings shall provide a minimum of 60 percent and a maximum of 85 percent transparency (windows) at ground level.
 2. Buildings shall include large front windows on the ground level, with sills between 12 and 18 inches above sidewalk level and lintels nine feet to 12 feet above sidewalk level.
 3. Clear glass, providing a minimum of 88 percent light transmission, shall be used on ground floor windows. Tinted glass providing a minimum of 50 percent light transmission shall be limited for use only in transoms and windows above the ground floor. The use of bronze tinted or reflective glass is prohibited.
 4. The use of transom windows is strongly encouraged.
 5. If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.
 6. If shutters are used, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to cover one-half the width of the window.
- vi. Roofs. Roofs shall be pitched with overhanging eaves, or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." All gables shall be functional.
- g. Signs. In addition to the requirements in Section 607, signs shall conform to the following regulations:
- i. Signs shall not be freestanding and shall be affixed to a building facade, canopy, or arcade.

- ii. The top of signs (except window signs) shall be located no higher than the sills of second-story windows.
- iii. Signs shall be constructed of wood, metal or synthetic material, provided that the typeface and logos have a dimensional rather than flat quality.
- iv. Sign colors shall preferably be dark background colors with light-colored lettering.
- v. Signs may be illuminated from external light sources only. Flashing and moving lighting is prohibited.
- vi. Moving signs and signs with moving elements are prohibited.
- vii. External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15 percent of the glass area of the window in which they are displayed.

h. Street Furniture.

- i. At least one public trash receptacle shall be provided in each block on each side of the street.
- ii. Public benches shall be provided at intervals no greater than 100 feet on each block; and in greens, commons, squares and parks at a rate of one bench per 5,000 square feet.
- iii. At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad designed to accommodate it.

9. Use Transitions.

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

Section 475. OPEN SPACE DESIGN STANDARDS

- 1. In Conservation and Village Option subdivisions, the required Open Space shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie with the Board.

2. Open space land use and design standards shall follow the requirements of this section and Sections 467 and 468.
3. The required open space shall be located and designed to add to the visual amenities of villages and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets or along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
4. At least 50% of the lots shall directly abut or face Open Space across a street.
5. Residential areas of Villages shall include multiple greens or commons measuring a total of at least 1,000 square feet for each dwelling unit.
6. Each Village shall have a primary common of at least 10,000 square feet, which should ideally be surrounded by two-story development that may include commercial, residential, civic and institutional uses.
7. A maximum of 15% of the dwelling units may front directly onto a green instead of on a street, provided that an access easement is provided to the satisfaction of the township.
8. Greens, Commons, Squares and Parks.
 - a. At least 15 percent of the minimum required Open Space shall consist of multiple greens, commons, squares or parks.
 - b. Active recreation facilities located in greens, commons, squares or parks shall be set back a minimum of 100 feet from adjoining residential lot lines.
9. Open space shall be permanently protected using the methods found in Section 468.
10. Ownership and maintenance of open space and common facilities shall follow the provisions in Section 468.

ARTICLE V

COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS

Section 500. C-1 MIXED COMMERCIAL-RESIDENTIAL DISTRICT

Section 501. SPECIFIC INTENT

It is the purpose of this District to permit a mixing of residential and commercial uses in certain areas where such a mixing has already occurred in the vicinity of Route 183 and Mount Pleasant.

Section 502. USES PERMITTED BY RIGHT

Land and buildings in a C-1 District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 503, is granted:

1. Single family detached dwelling.
2. Home occupation, subject to Section 613 of this Ordinance.
3. No-impact home based business, subject to Section 614 of this Ordinance.
4. Municipal use.
5. Retail and wholesale sale of goods.
6. Banks, savings and loan associations, finance companies, and similar types of businesses.
7. Church or synagogue.
8. Boarding and lodging houses.
9. Funeral home.
10. Hotel or motel.
11. Business, professional, or governmental office or studio.
12. Restaurants, taverns, and similar types of establishments.
13. Club or lodge for fraternal or social purposes, provided that all activities shall be conducted within buildings or structures.

14. Personal and household service establishments such as, but not limited to barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
15. Fire company.
16. Health fitness center.
17. Forestry.
18. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
19. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
20. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §13; as amended by Ord. 2017-03, 4/24/2017, §11.

Section 503. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Apartments included in the same building as the uses permitted in subsections 4, 5, 8, 9, 11, 12, 13, and 14 above, subject to:
 - a. The apartments shall not be located on the same floor as the non-residential use.
 - b. The building shall be served by public or community sewage disposal and water supply facilities unless alternative methods are approved by the Township Supervisors and where applicable, the Pennsylvania Department of Environmental Protection.
 - c. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.
 - d. Two (2) off-street parking spaces shall be provided for each dwelling unit.

- e. There shall be a minimum of ten thousand (10,000) square feet of lot area per dwelling unit.
 - f. The Zoning Hearing Board shall specify the maximum number of families permitted to occupy the building, and may prescribe such further conditions and restrictions as the Board shall consider appropriate.
2. Apartments and townhouses, subject to:
- a. All buildings shall be served by public sewage disposal and water supply facilities.
 - b. The minimum amount of land in the development shall be two (2) acres.
 - c. The overall density of the development shall not exceed six (6) dwelling units per acre.
 - d. The maximum building height shall be thirty feet (30').
 - e. The minimum building setback line shall be twenty-five (25') feet.
 - f. A system for pedestrian circulation throughout the development shall be provided.
 - g. The maximum length of an apartment building or a row of townhouses shall be 165 feet.
 - h. No more than four (4) continuous townhouses shall have the same front setback and the variations in front setback shall be at least two (2) feet.
 - i. The minimum width of a townhouse shall be eighteen (18) feet.
 - j. No apartment building shall be located within fifty (50) feet of a property line of the development.
 - k. No townhouse shall be located within twenty-five (25) feet of a property line of the development.
 - l. No apartment building shall be located within forty (40) feet of another building.
 - m. No townhouse shall be located within forty (40) feet of a dwelling which is not in the same row of townhouses.
 - n. No more than twenty percent (20%) of the total area of the development shall be covered by buildings.

- o. No more than thirty percent (30%) of the total area of the development shall be paved.
- p. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
- q. Not less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common space purposes, such as park, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.
- r. Common open space areas may be reserved for private use or dedicated to the Township, if acceptable to the Township. For land which is not dedicated to the Township written agreement satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.
- s. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- t. Common parking areas and access drives shall be located a minimum of twenty feet from all structures and from the exterior lot lines of the development.
- u. Entrance and exit ways to parking areas shall have a minimum width of twelve feet for each lane of traffic entering or leaving the areas.
- v. Parking areas servicing apartment buildings and townhouses shall not be designed or located to require cars to back into Collector or Major streets (as defined in the Township Subdivision Regulations) in order to leave the parking areas.
- w. No more than seventy (70) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped. No more than twelve (12) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- x. Entrances to and exits from common parking areas shall be located a minimum of fifty (50) feet from the point of intersection of the nearest street curb lines.

- y. Two (2) off-street parking spaces shall be provided for each dwelling unit within the development.
- 3. Tower-Based Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].
- 4. Animal hospital and veterinary facilities (provided, there shall be no outdoor housing of any animals).
- 5. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §14; as amended by Ord. 2017-03, 4/24/2017, §12.

Section 504. PERFORMANCE STANDARDS

The following Performance Standards shall be observed for all non-residential uses:

No operations shall be permitted which constitute a danger to the community.

No potentially dangerous effluent shall be discharged.

No waste material shall be stored on the lot.

No odors shall be perceptible at any lot line.

All primary uses shall be completely conducted within a building.

No goods shall be displayed within an open area.

No glare shall be perceptible in any residential zoning district.

No noise emanating from a use shall continually exceed the level of ordinary conversation at any lot line.

No smoke from operations shall be permitted.

No unpackaged goods shall be sold for consumption on premises outside a building.

No flashing signs shall be permitted.

No loading or unloading shall be permitted in the area between the building and the street line.

No moving signs shall be permitted.

No signs advertising a use not conducted or goods not sold on the premises shall be permitted.

Section 505. AREA, YARD, AND HEIGHT REGULATIONS

<u>Maximum Permitted</u>	<u>On-Site Sewage Disposal</u>	<u>Public Sewage Disposal and On-Site Water Supply</u>	<u>Public Sewage Disposal and Public Water Supply</u>
Building Height	30 Feet	30 Feet	30 Feet
Impervious Surface	20 Percent	30 Percent	35 Percent
<u>Minimum Requirements</u>			
Building Setback	35 Feet	30 Feet	25 Feet
Lot Size	1 Acre	20,000 sq. ft.	10,000 sq. ft.
Lot Width			
At Street Line	150 Feet	50 Feet	50 Feet
At Building Setback Line	200 Feet	100 Feet	70 Feet
Rear Yard	35 Feet	30 Feet	25 Feet
Side Yard (each side)	20 Feet	15 Feet	10 Feet

Section 510. C-2 COMMERCIAL DISTRICT

Section 511. SPECIFIC INTENT

It is the purpose of this District to provide areas for commercial development within the Township.

Section 512. USES PERMITTED BY RIGHT

Land and buildings in a C-2 District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 513, is granted:

1. Retail and wholesale sale of goods.
2. Business, professional, or governmental office or studio.
3. Banks, savings and loan associations, finance companies, and similar types of businesses.

4. Municipal use.
5. Church or synagogue.
6. Library, art gallery, museum, or similar use.
7. Boarding and lodging houses.
8. Funeral home.
9. Personal and household service establishments such as, but not limited to barber shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
10. Fire Company.
11. Nursery.
12. Motel and hotels.
13. Restaurants, taverns, and similar types of establishments.
14. Offices of plumbers, masons, carpenters, heating contractors, homebuilders, and similar personnel.
15. Club or lodge for fraternal or social purposes, provided that all activities shall be conducted within buildings or structures.
16. Indoor place of amusement or recreation.
17. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
18. Machine shop or welding shop.
19. Health fitness center.
20. Miniature golf course, golf driving range and similar outdoor recreation establishments.
21. Forestry.
22. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].

23. Medical Marijuana Dispensaries, as defined by this Ordinance, subject to the provisions of Section 624 of this Ordinance. [Ord. 2017-03].
24. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §15; as amended by Ord. 2017-03, 4/24/2017, §13.

Section 513. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 902 of this Ordinance.

1. Lumber and building materials supply establishments.
2. Motor vehicle service station, subject to:
 - a. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
 - b. All repair activities shall be carried out within a building.
3. Repair garage, subject to:
 - a. All repair activities shall be performed within a building.
 - b. All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties.
4. Car wash, subject to:
 - a. No water used in the washing of cars shall be discharged onto public roads or onto other properties.
 - b. Car washing activities shall be carried out within a building.
 - c. An approach drive or parking area to accommodate a minimum of four cars per bay shall be constructed, except that in the case of a facility where only one bay is provided the approach drive or parking area shall be constructed to accommodate a minimum of ten cars.
5. Retail sales of new or used automobiles, subject to:

- a. No automobiles for sale, and no customer or employee parking, shall be permitted within the right-of-way of a public or private road, or within twelve (12) feet of the edge of the cartway of a public or private road, whichever is the greater distance from the center of the road.
 - b. Normally, no automobiles for sale, and no customer or employee parking, shall be permitted within ten (10) feet of a side lot line; this setback recommendation may be adjusted, to either increase, decrease, or eliminate the setback, at the discretion of the Zoning Hearing Board based on the circumstances of the special exception application.
 - c. A scaled site plan showing, at a minimum, access, driveway, parking arrangements for vehicles for sale, customers and employees, and all improvements on the property, shall be submitted with the special exception application.
6. Tower or antenna for commercial communication, television or radio transmission, receiving or relay, together with a structure for equipment connected therewith, subject to the conditions set forth in Section 622.
 7. Animal hospital and veterinary facilities (provided, there shall be no outdoor housing of any animals).
 8. High school, elementary school, middle school, junior high school, and other schools for the teaching of trades, arts, or skills.
 9. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
 10. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §16.

Section 514. AREA, YARD AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	40 Feet
Impervious Surface	75 Percent

Minimum Requirements

Lot Size	1 Acre
----------	--------

Lot Width	
At Street Line	200 Feet
At Building Setback Line	200 Feet
Building Setback	40 Feet
Improvements Setback	10 Feet
Distance Between Highway Access Points	100 Feet
Side Yard (each side)	10 Feet
Rear Yard	25 Feet
Area Not Paved nor Covered by Buildings	25 Percent

When the side and/or rear yard of a lot adjoins land zoned other than C-1, C-2 or I, a ten feet (10') buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned C-1, C-2, or I.

Section 520. I - LIGHT INDUSTRIAL DISTRICT

Section 521. SPECIFIC INTENT

It is the purpose of this district to provide an area in which a variety of light industrial uses may locate provided that they will not adversely affect the public health, safety, or general welfare of the residents or inhabitants of the Township.

Section 522. USES PERMITTED BY RIGHT

Land and buildings in an I District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 523, is granted:

1. Office buildings.
2. Wholesaling and warehousing activities.
3. Printing and publishing activities.
4. Research activities.

5. Testing, production, packaging, fabrication, processing, assembly, manufacture, compounding, and bottling of foods, goods, and materials, provided that:
 - a. All such activities shall be carried on within a building.
 - b. The following activities shall be prohibited: Iron and steel production, lead production and smelting, zinc production and smelting, magnesium smelting, aluminum production, brass and bronze production, petroleum, refining, beryllium smelting and processing, asphaltic concrete production, asphalt roofing manufacture, portland cement manufacturing, ammonium nitrate manufacturing, phosphorus acid manufacturing, charcoal manufacturing, paint manufacturing, cooper smelting, the manufacture of chlorine, hydrofluoric acid, nitric acid, sulfuric acid, lime, vinyl chloride, polyvinyl chloride, and carbon black, by-product coke production, glass fiber processing, and any activities which result in the generation of radioactive, hazardous, or toxic waste.
6. General Agricultural Uses, subject to Section 655 of this Ordinance.
7. Farm-related business, subject to Section 651 of this Ordinance.
8. Roadside stands subject to Section 654.
9. Municipal Use.
10. Machine shop or welding shop.
11. Forestry.
12. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
13. Wind Turbine Use where such use is an accessory use to a use permitted by right or by special exception in this district, in accordance with Article XI. [Ord. 2009-03].
14. Medical Marijuana Grower/Processor, as defined by this Ordinance, subject to the provisions of Section 625 of this Ordinance. [Ord. 2017-03].
15. Non-Tower Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §17; as amended by Ord. 2017-03, 4/24/2017, §14.

Section 523. USES PERMITTED BY SPECIAL EXCEPTION

1. Tower-Based Wireless Communication Facilities, subject to Section 622 of the Penn Township Zoning Ordinance. [Ord. 2017-03].
2. Alternative Energy Uses, in accordance with Article XI. [Ord. 2009-03]

Ord. 2008-05, 10/27/2008; as amended by Ord. 2009-03, 11/23/2009, §18; as amended by Ord. 2017-03, 4/24/2017, §15.

Section 524. AREA, YARD, AND HEIGHT REQUIREMENTS

Maximum Permitted

Building Height	50 Feet
Impervious Surface	75 Percent

Minimum Requirements

Lot Size	2 Acres
Lot Width	
At Street Line	200 Feet
At Building Setback Line	200 Feet
Building Setback	40 Feet
Improvements Setback	10 Feet
Distance Between Highway Access Points	100 Feet
Side Yard (each side)	50 Feet
Rear Yard	50 Feet
Area Not Paved nor Covered by Buildings	25 Percent

When the side and/or rear yard of a lot adjoins land zoned other than C-2 or I, a twenty feet (20') buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned C-2, or I.

Section 525. USES PERMITTED BY CONDITION IN I - LIGHT INDUSTRIAL DISTRICT

The following uses are permitted in I - Light Industrial Districts when a conditional use is granted by the Township Board of Supervisors in accordance with Section 808 of this Ordinance.

1. Surface mining activities, subject to:
 - a. The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. Said plans shall show or describe the following:
 - (1) The use to which the land was put prior to the commencement of surface mining.
 - (2) The use which is proposed to be made of the land following reclamation.
 - (3) The manner in which topsoil and subsoil will be conserved and restored.
 - (4) Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
 - (5) A complete planting program.
 - (6) A timetable for the accomplishment of each major step in the reclamation plan.
 - b. The periodic filing with the Township of copies of any and all reports which set forth the current status of reclamation work performed and activities undertaken to implement Storm Water Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies.

When verified in writing by the governmental agency or body having jurisdiction, a non-compliance with any approved Reclamation Plan, Erosion and Sediment Control Plan, Erosion and Sediment Control Plan, or Storm Water Management Plan shall be grounds for issuance of a Stop Order under Section 805 of this Ordinance, until such non-compliance is corrected.

- c. An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Township Supervisors. Such plans shall be designed to prevent adverse effects from water runoff, erosion, and sedimentation on adjoining streams, properties and streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received in lieu of such subject matter.
- d. A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation which will be used by trucks entering and leaving the site shall be submitted to the Township Supervisors. The plan shall state that:
 - (1) All such roadways shall be maintained and constructed by the operator so that truck travel on them will not result in the spread of dust beyond the property lines of the mining operation.
 - (2) All such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operation will not deposit excessive or accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- e. No surface mining operations which will result in the creation of an elevation difference in excess of ten (10) feet between the surface of the mine and any adjacent property or public road shall be carried out within two hundred feet (200') of such public road.
- f. No storage of products, by-products, overburden or cover material shall be permitted to reach a height in excess of fifty feet (50'). No such storage shall be permitted within one hundred fifty feet (150') of a property line of the mining operation or a public road.
- g. All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall not be permitted between 5:00 p.m. and 8:00 a.m. and shall not be permitted on Sundays and legal holidays.

Notice of all blasting operations shall be given to the Township Secretary and the occupants of all properties within a radius of three-quarters (3/4) of a mile of the location of blasting at least twenty-four (24) hours prior to the commencement of blasting.
- h. All other State and Federal requirements pertaining to surface mining activities, air pollution, and noise shall be complied with.

When a license is required from the State, a copy of such license shall be filed with the Township along with evidence that any bond required for completion of the reclamation plan has been filed with the State.

- i. The minimum lot size for any surface mining operation shall be ten (10) acres.
- j. No operations shall be carried out on Sundays or legal holidays, nor between the hours of 7:00 p.m. and 7:00 a.m.
- k. Planting screens to screen mining operations from adjoining exclusively residential properties shall be placed along the property lines of the mining operation.
- l. Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
- m. Crushing and processing operations of the minerals, rocks and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of the same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
- n. No substances which can harm persons, animals, vegetation, or other forms of property shall be dispersed beyond the property lines of the mining operation.
- o. When required by the Township Board of Supervisors, a hydrologic study shall be submitted to the Township, which shall indicate the impact of the surface mining activity on ground water supplies and quality in the area of the operations.

Surface mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.

- p. The operator shall post security with the Township to cover the cost to repair, reconstruct or resurface any public roads maintained by the Township which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the mining operations. In lieu thereof the operator may enter into an

agreement with the Township to make an annual contribution to be used in the maintenance of said roads.

2. The collection, processing, bottling and distribution of surface water and groundwater, subject to:

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

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

Water collection activities shall not endanger surface water and groundwater levels and quality on nearby properties. Any person engaged in water collection activities under this Section 525.2 who affects a public or private water supply by contamination or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.

c. Any person engaged in water collection activities shall post security with the Township in such form and amount as the Township Board of Supervisors may determine to be adequate to guarantee the restoration or replacement of any water supply or supplies which may be adversely affected by such water collection activities.

d. The operator shall post security with the Township to cover the cost to repair, reconstruct or resurface any public roads maintained by the Township which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the water collection operations. In lieu thereof the operator may enter into an agreement with the Township to make an annual contribution to be used in the maintenance of said roads.

e. The failure to post such security or to adequately protect the surface water and groundwater levels and quality on nearby properties shall be grounds for revocation of the operator's certificate of occupancy by the Township Board of Supervisors and, in that event, an officer of the Township, in addition to other remedies, penalties and forfeitures provided in this Zoning Ordinance, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate any continuing violation of the provisions of Ordinance by the operator.

ARTICLE VI.1

GENERAL REGULATIONS

Section 600. ACCESS TO STRUCTURES

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right of access to a public street or approved private street exists. All buildings shall be located on lots so as to provide safe and convenient access for servicing, fire, protection, and required off-street parking. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors.

1. When the Township permits a subdivision to contain a flag lot, the access strip portion of such flag lot shall be in fee simple ownership to the owner of the main portion of the said flag lot and shall extend to an existing public street. The access strip shall have a minimum width of 20 feet. The access strip must serve as the primary access point for the lot.
2. Flag lots are only permitted in the A, P, L, and H zoning districts.
3. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line for lots in the zoning district in which the lot is located. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 20 feet.
4. The lot area of the flag lot shall be calculated exclusive of the access strip.
5. No more than one (1) lot in five (5) within a subdivision may be designed as a flag lot; however, no flag lot may be created in a subdivision consisting of less than three (3) lots. The number of lots to be counted for purposes of this paragraph shall be cumulative based on all subdivisions of the original tract in existence on the effective date of this Section.
6. No more than one tier of flag lots shall be permitted on a tract. In other words, a flag lot may not be located behind another flag lot.
7. Throughout this Section, the term "original tract" shall be interpreted as a lot separately described on a recorded deed or approved plat as of the effective date of this Section.

Section 601. ERECTION OF MORE THAN ONE PRINCIPAL USE STRUCTURE ON A LOT

In any district, more than one structure housing a separate permitted or permissible principal use may be erected on a single lot, provided that no more than two principal uses may be permitted per lot, and provided further that the area, yard and other requirements of this Ordinance applicable to the District in which the lot is located shall be met for each structure housing a separate permitted or permissible use as though it were on an individual lot, unless otherwise specifically provided in this Ordinance.

Section 602. RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. General

- a. Except as noted elsewhere in this Ordinance, no accessory building or structure shall be permitted within any required front yard and within ten (10) feet of the rear lot line. The minimum distance between an accessory building or structure, within the area between the residence and ten (10) feet from the rear lot line, and a side lot line, shall be the side yard requirement of the applicable zoning district or ten (10) feet, whichever is less.
- b. The maximum height of any accessory building or structure shall be twenty (20) feet.
- c. The minimum distance between any accessory buildings or structures shall be five (5) feet. Except as provided in Section 602.2.b of this Ordinance, the minimum distance between any accessory building or structure and a principal building shall be five (5) feet.
- d. No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

2. Use Regulations

- a. Swimming Pool - Permanent swimming pools shall be entirely enclosed with a permanent barrier or fence not less than four (4) feet in height. Walls of buildings may serve as part of the fence or barrier. Where such pools are of the type having above ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate which can be securely locked. Above ground pools shall have a ladder or stairway which can be removed

or rendered unusable and the entrance to the pool shall be capable of being securely closed to a height of four (4) feet.

- b. Detached Garages - The maximum length of any side of the garage serving a dwelling shall be thirty-six (36) feet. No such garage shall be located within ten (10) feet of a dwelling.
- c. Apartment and Townhouse Accessory Uses shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- d. Tennis Courts shall have permanent fences at least ten (10) feet in height behind each baseline, extending at least the full width of the playing area.
- e. Patios, Paved Terraces, and Open Porches shall not be located closer than six (6) feet to any property line, except a property line which is an extension of a party wall, and shall not project further than ten (10) feet into any required front yard. Decks shall meet the same set back requirements as principal structures; a deck is structure similar to a patio or open porch which is elevated more than thirty (30') inches above the grade of the surface over which it is located.
- f. Animal Shelters shall not be permanently affixed, shall not be attached to or be a part of any other building, and shall not be located within five (5) feet to the rear lot line nor within five (5) feet of that portion of the side lot line abutting the rear yard.

The keeping of horses shall be considered an agricultural use.

Section 603.

NON-RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES AND USES.

1. General

- a. No building or structure shall be located within any required front or side yard or within ten (10) feet of the rear lot line. The minimum distance between an accessory building or structure within the area behind the principal structure and a side lot line shall be the lesser of the following: the side yard requirement of the applicable zoning district; or a distance measuring at least ten (10') feet and increased by one (1') foot for each one (1') foot of structure height in excess of ten (10') feet.

- b. The minimum distance between any accessory buildings or structures shall be five (5) feet. The minimum distance between any accessory building or structure and a principal building shall be five (5) feet.

2. Use Regulations

- a. Storage Facilities - All such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets and no such area shall be located within fifty (50) feet to any street line.
- b. Living Quarters - Living quarters shall be permitted only for proprietors, watchmen, caretakers, or similar employees, unless otherwise provided in this Ordinance.

Section 604. ACCESSORY BUILDING SETBACK EXCEPTIONS

On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than that principal building.

Section 605. LANDSCAPING

- 1. Where District Regulations require buffer yards, screening, planting strips and the like these shall be subject to approval of the Zoning Officer prior to planting. The type and density of planting shall adequately provide the screening effect required year-round.
- 2. Plant materials used in screen planting shall be at least five (5) feet in height when planted.
- 3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced within one (1) year.
- 4. For commercial and industrial uses, any part of a site which is not used for building or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan. Any single parking area with fifty (50) or more spaces shall utilize at least five (5) percent of its area in landscaping, which shall be in addition to the open area requirements of the applicable zoning district.

Section 606. LIGHTING

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from

adjoining properties and streets. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or light intensity greater than one (1) footcandle beyond the lot boundaries.

Section 607. SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations of the Township relating to the erection, alteration, and maintenance of signs.

1. General

- a. Except in the case of school warning signs, traffic control signs, signs giving time and temperature, and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.
- b. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- c. No signs other than school warning signs, official traffic signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
- d. Every sign shall be kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.
- e. No sign shall be utilized in a manner which produces a noxious glare or a light intensity greater than one (1) footcandle beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties and streets.
- f. The distance from the ground to the highest part of any free standing sign shall not exceed eighteen (18) feet in A, P, L, H and S Zoning Districts. The distance from the ground to the highest part of any free standing sign in a C-1, C-2 or I district shall not exceed the maximum building height permitted in that district. No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.

- h. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- i. No portion of any sign shall project over any lot line.
- j. Red, green or amber lights, except those contained within a school warning sign, traffic control sign, or similar sign, shall not be so located that they could create a danger by being construed as traffic lights.
- k. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
- l. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.
- m. No sign shall project more than twelve (12) inches from the building façade to which it is attached, except that signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four (4) feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one (1) side, and the lowest portion of all sign facings are at least eight (8) feet above the ground.
- n. A sign shall be removed when the use to which it refers is terminated.

2. Signs Permitted in A, R, L, H and S Districts

- a. Official traffic signs.
- b. Identification signs or bulletin or announcement boards for schools, churches, hospitals or similar institutions, and for clubs, lodges, municipal buildings, libraries or similar uses, provided that:
 - (1) No more than two (2) such signs shall be erected on any frontage of any one (1) property.
 - (2) No side of any such sign, excluding signs consisting of open lettering attached to a building, shall exceed thirty-two (32) square feet in area. A sign consisting of open lettering attached to a building shall not have a height exceeding ten (10) feet nor an area

exceeding ten (10) percent of the building façade to which it is attached.

(3) Signs shall be erected on the property on which the use is conducted.

(4) Except where a sign is attached to a building, no sign shall be located as follows: within the right-of-way of a public or private road, or within twenty-five (25) feet of the center of a public or private road, whichever is the greater distance from the center of the road; or within ten (10) feet of a side lot line.

c. Sign indicating the name, profession, or activity of the occupant of a dwelling, provided:

(1) No side of any such sign shall exceed two (2) square feet in area.

(2) No more than one such sign shall be permitted for each permitted use or dwelling on any one (1) street frontage.

d. Signs advertising the rental or sale of premises, provided that:

(1) No side of any such sign shall exceed twelve (12) square feet in area.

(2) A sign shall be located on the property to which it refers.

(3) No more than one (1) such sign shall be permitted for each street frontage.

(4) Such signs shall be removed within seven (7) days after final settlement or renting of the property.

e. Sign for directing members or visitors to churches, schools, service clubs, municipal buildings, and hospitals, subject to:

(1) No side of any such sign shall exceed two (2) square feet in area.

(2) Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.

(3) A sign shall indicate only the name of the use and the direction to the use.

f. Temporary signs of contractors, architects, and the like, provided that:

- (1) Such signs shall be removed promptly upon completion of the work.
 - (2) No side of any such sign shall exceed twelve (12) square feet in area.
 - (3) Such signs shall be located on the property on which the work is being done.
 - (4) Except where a sign is attached to a building, no sign shall be located as follows: within the right-of-way of a public or private road, or within twenty-five feet of the center of a public or private road, whichever is the greater distance from the center of the road; or within ten (10) feet of a side lot line.
 - (5) No more than one (1) such sign for each contractor or the like shall be placed on any one (1) lot.
- g. Signs advertising a lawful non-conforming use, provided that:
- (1) No side of any such sign shall exceed twelve (12) square feet in area.
 - (2) The sign shall be erected only on the premises on which such non-conforming use is located.
 - (3) No more than one (1) such sign shall be erected on any one (1) street frontage.
 - (4) Except where a sign is attached to a building, no sign shall be located as follows: within the right-of-way of a public or private road, or within twenty-five (25) feet of the center of a public or private road, whichever is the greater distance from the center of the road; or within ten (10) feet of a side lot line.
- h. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed twelve (12) square feet in area.
- i. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that no side of any such sign shall exceed four (4) square feet in area.
- j. Trespassing signs and signs indicating the private nature of premises or controlling hunting activities on the premises. No side of any such sign shall exceed two (2) square feet in area.

- k. Signs advertising the sale or development of a residential subdivision, provided that:
 - (1) Such sign shall be located within the subdivision to which it refers.
 - (2) No side of any such sign shall exceed thirty-two (32) square feet in area.
 - (3) No sign shall be located as follows: within the right-of-way of a public or private road, or within twenty-five (25) feet of the center of a public or private road, whichever is the greater distance from the center of the road.
 - (4) Such signs shall be removed within seven (7) days after all dwelling units have been initially rented or sold.
 - (5) No more than one (1) such sign shall be erected on any one (1) street frontage.

- l. Identifying signs for the purpose of indicating the name of residential subdivision, provided that not more than one (1) such sign shall be allowed for each entrance to the subdivision from a public street and no such sign shall exceed fifteen (15) square feet in area. No sign shall be located within the right-of-way of a public or private road, except upon the express approval of the Board of Supervisors.

- m. A sign advertising the sale of farm products, nursery products, or livestock produced or raised on the premises, provided:
 - (1) No side of any such sign shall exceed twenty (20) square feet in area.
 - (2) No more than two (2) such signs shall be erected on any one (1) street frontage.

- n. Sign indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant, provided that:
 - (1) The area on one (1) side of any such sign shall not exceed twenty (20) square feet.
 - (2) No more than two (2) such signs shall be erected on any one street frontage.

- o. Temporary signs advertising elections and political candidates, fairs, campaigns, and social events of non-commercial organizations, and the like, subject to:
 - (1) Such signs shall be displayed no more than sixty (60) days prior to the event which they advertise and shall be removed within five (5) days after the conclusion of the event advertised.
 - (2) The area on one (1) side of any such sign shall not exceed twenty-five (25) square feet.
- p. Off-site advertising signs are prohibited in the A, R, L, H and S districts.

3. On-site advertising signs in C-1, C-2, and I Districts

Onsite advertising signs may be erected and maintained, provided that:

- a. The total area of all faces of all signs, excluding signs consisting of open lettering attached to a building, placed on or facing any one (1) street frontage of any one (1) premises shall not exceed one hundred (100) square feet, except in the case of a building housing more than one (1) commercial or industrial use. A sign consisting of open lettering attached to a building shall not have a height exceeding ten (10) feet nor an area exceeding twenty (20) percent of the building façade to which it is attached (such area being measured by inscribing all of the letters of the sign by a rectangle or a continuous chain of rectangles).
- b. The area on any one (1) side of any advertising sign or directional sign, excluding signs consisting of open lettering attached to a building, shall not exceed twenty-five (25) square feet.
- c. No more than one (1) free standing advertising sign shall be allowed on any one (1) street frontage of any one (1) property.
- d. No more than three (3) directional signs shall be allowed on any one (1) street frontage of any one (1) property, and each such sign shall not exceed two (2) square feet.
- e. No more than two (2) separate advertising signs shall face any one (1) street frontage of any one (1) property, except in the case of a building housing more than one (1) commercial or industrial use.
- f. No sign attached to a building façade shall have an area exceeding twenty (20) percent of the area of the building wall to which it is attached.

- g. Except where the front or side yard requirements are less than ten (10) feet (in which case a sign need be set back only the yard requirement), no portion of a free standing sign shall be located as follows: within the right-of-way of a public or private road, or within twenty-five (25) feet of the center of a public or private road, whichever is the greater distance from the center of the road; or within ten (10) feet of a side lot line.
- h. In the case of a building housing more than one (1) commercial or industrial use, one (1) permanent identifying sign for the building, the area on one (1) side of which shall not exceed one hundred (100) square feet, may be erected on each street frontage. In addition, for each commercial or industrial use located within that building, one (1) sign, the area of which shall not exceed ten (10) percent of the total area of the wall to which it is attached, may be attached to that portion of the building housing the use. Signs may project perpendicularly from buildings as provided for in Section 606.1(m) of this Ordinance.

4. Off-site advertising signs in the C-1, C-2 and I Districts

- a. Off-site advertising signs shall be allowed within one hundred (100) feet of Route 183, and only within the C-1, C-2, and I zoning districts.
- b. Off-site advertising signs shall not exceed four hundred (400) square feet in area.
- c. No off-site advertising sign shall be erected within one thousand five hundred (1,500) feet of another off-site advertising sign, taking into account signs located on both sides of Route 183.
- d. No off-site advertising sign shall be erected within five hundred (500) feet of an on-site advertising sign, taking into account on-site advertising signs located on both sides of Route 183.
- e. No off-site advertising sign shall emit smoke.
- f. No off-site advertising sign shall contain a human habitation.
- g. No off-site advertising sign shall emit illumination which shines away from the sign.
- h. No off-site advertising sign shall be illuminated between the hours of midnight and 6:00 am.

Section 608.

RESERVED

Section 609.

LOADING AREAS

1. Paved off-street loading and unloading spaces, approved by the Township Zoning Officer, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five (5) feet of any side or rear lot line.
2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use described in Section 609.1. When a zoning permit is applied for, the application for the permit shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be determined by the Township Zoning Officer.

Section 610.

OFF-STREET PARKING

1. Off-street parking facilities shall be provided whenever:
 - a. A building is constructed or a new use established.
 - b. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - c. An existing building or use is altered so as to increase the amount of parking spaces required.
2. Each parking space shall have a minimum area of two hundred (200) square feet and minimum dimensions of ten (10) feet by twenty (20) feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be eight (8) feet by twenty-two (22) feet.
3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in

parking facilities within one hundred fifty (150) feet of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.

4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare at or beyond the boundaries of the parking area.
6. All common parking areas and access drives shall be paved, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed five (5) percent, and the maximum grade of access drives shall not exceed ten (10) percent. Surface water shall not be concentrated onto public sidewalks or other premises.
7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
8. Off-street parking facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
9. The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angle of Parking</u>	<u>Aisle Width</u>	
	<u>One-Way</u>	<u>Two-Way</u>
90°	24'	24'
60°	18'	20'
45°	16'	20'
30°	12'	20'

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full parking space.

11. Parking areas for non-residential uses shall be designed such that vehicles will not back out onto public streets.
12. The design of parking areas shall be such to prevent to the back-up of vehicles on a public street at entrance to parking areas.
13. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking seats to be provided shall be based upon the capacity for temporary seats in normal usage.
14. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned A, P, L, or H which is adjacent to the land on which the non-residential parking area is located, and shall be located a minimum of ten (10) feet from any land so zoned.
15. Parking areas shall be located a minimum of four (4) feet from a street right-of-way line, and the area between the parking area and the street right-of-way line shall be landscaped. Such parking areas shall be located a minimum of two (2) feet from any side or rear lot line and the area between the parking area and side or rear lot line shall be landscaped.
16. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. Minimum off-street parking requirements shall be as follows:
 - a. Residential Uses Two (2) parking spaces per dwelling.
 - b. Industrial, Wholesaling or Warehousing Establishment One (1) space per employee on the shift of greatest employment.
 - c. Restaurant, Tavern or Similar Use One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment.
 - d. Retail and Service Establishments One (1) space for each two hundred (200) square feet of gross floor area.
 - e. Office Buildings One (1) space for each two hundred (200) square feet of gross floor area.
 - f. Motel, Hotel, Tourist Home or Similar Use One (1) space for each rental unit plus one (1) space for each employee on the shift of greatest Employment.

g.	Medical, Dental and Paramedical Offices	One (1) space per employee plus four (4) spaces for each person engaged in practice.
h.	Agricultural Uses	One (1) space per employee on the shift of greatest employment.
i.	Nursing Home or Convalescent Home	One (1) space per employee on the largest shift plus one (1) space for each four (4) beds.
j.	Hospital	One and one-half (1-1/2) spaces per bed.
k.	Bowling Alley	Five (5) spaces per alley.
l.	Funeral Home	One (1) space for each four (4) seats.
m.	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One (1) space for each four (4) seats.
n.	Library or Museum	One (1) space per three hundred (300) square feet of gross floor area.
o.	Nursery Schools and Day Care Centers	One (1) space per employee plus one (1) space for loading and unloading of children for each five (5) children accommodated in the school.
p.	Elementary and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms or offices.
q.	High Schools	One (1) space per employee plus two (2) spaces per classroom.
r.	Commercial School	One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
s.	Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment	One (1) space per fifty (50) square feet devoted to patron use.
t.	Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service bay, plus one (1) space per employee on the shift of

greatest employment.

- u. Outdoor Recreational Facility One (1) space per employee on the largest shift plus one (1) space per five (5) people of total capacity.
- v. Shopping Center Five (5) spaces per one thousand (1,000) square feet of gross leasable area.
- w. Retail Sales of New or Used Automobiles One (1) space per employee on the shift of greatest employment plus one (1) space for each ten (10) automobiles for sale.

For any building or use not covered above, the Zoning Officer shall have the discretion to determine the standard for off-street parking spaces.

17. Conditional Reduction of Parking Requirements

- a. The Zoning Officer may permit a conditional reduction of the number of parking spaces required by this Ordinance in individual cases if he or she believes that the meeting of the standards of this Ordinance could result in more spaces than actually needed and thus excess paved areas, subject to the following:
 - (1) The design for the parcel of land in question shall show parking area layouts which provide the total number of parking spaces required by this Ordinance and meet all requirements of this Ordinance. Those portions of the parking areas proposed for initial construction shall be designated, and their location is subject to the approval of the Zoning Officer.
 - (2) The Zoning Officer may permit a conditional reduction of no more than twenty (20) percent of the total number of parking spaces required by this Ordinance. A minimum of eighty (80) percent of the parking spaces required by this Ordinance shall be initially constructed.
 - (3) Those portions of the designed parking areas which will not be initially constructed shall be reserved for possible future construction of parking spaces.
 - (4) The landowner shall enter into written agreements satisfactory to the Board of Supervisors that within eighteen (18) months after the issuance of the last Certificate of Use and Occupancy on the tract the parking spaces not initially constructed shall be constructed at the landowner's expense should the Board of Supervisors

determine, after issuance of the last Certificate of Use and Occupancy, that the total number of parking spaces required by this Ordinance are necessary to adequately serve the uses on the lot. The landowner shall further enter into written agreement to pay any costs incurred by the Township in the undertaking of any studies to determine the adequacy of parking facilities. If required by the Township, the landowner shall post a guarantee satisfactory to the Township to cover the cost of additional parking facilities which could be required by the Township and the cost of any studies undertaken by the Township.

Section 611. STORAGE OF VEHICLES IN THE A, P, L, H, S AND O DISTRICTS, AND STORAGE OF VEHICLES IN CONNECTION WITH RESIDENTIAL USES IN THE C-1, C-2 AND I DISTRICTS

1. Automotive vehicles or vehicular dwellings or any type, except agricultural equipment, without current license plates shall not be parked or stored within an A, P, L, H, S or O District, or within a residential use lot in the C-1, C-2, and I districts, other than in completely enclosed buildings.
2. No tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored within an L or H District unless it is stored within a completely enclosed building.
3. On residential use lots, there shall be no more than two (2) boats or campers or recreational device trailers or combination of the same, stored other than in a completely enclosed building, and such items shall be stored only in the rear or side yard of the property.

Section 612. STORAGE OF VEHICLES IN THE C-1, C-2, AND I DISTRICTS

Except in the case of residential uses, in C-1, C-2, and I Districts, automotive vehicles or vehicular dwellings of any type must be stored within completely enclosed buildings unless the vehicles or vehicular dwellings are for sale at a sales agency dealing in automotive vehicles and/or vehicular dwellings or are stored within a junk yard permitted by this Ordinance.

Section 613. HOME OCCUPATIONS REGULATIONS

1. Only a resident of the dwelling unit may practice the home occupation.
2. All of the goods available for retail sale, except those accessory to the home occupation, shall be produced upon the premises.
3. No storage of materials or products related to the home occupation shall be permitted outside buildings.

4. No display of products related to the home occupation shall be visible from adjoining properties or streets.
5. There shall be no outside advertising other than one (1) one-sided or two-sided sign or no more than two (2) square feet in area on each side.
6. Not more than three (3) persons, whether paid or unpaid, may be employed by the practitioner of the occupation to provide secretarial, clerical or other similar assistance.
7. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare resulting from the home occupation shall be perceptible at or beyond the lot boundaries.
8. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
9. Not more than twenty-five (25) percent of the total floor area of the principal building may be used for the purposes of home occupation for an occupation carried out within a dwelling.
10. Any need for parking generated by the home occupation shall be met off-street on the lot on which the home occupation is carried out. In the case of dental, medical or paramedical offices, four (4) off-street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice.
11. Home occupations shall be conducted within a dwelling, provided that by special exception the Zoning Hearing Board may permit the occupation to be conducted within an accessory building or structure subject to such controls deemed necessary by the Zoning Hearing Board.
12. No more than two (2) home occupations may be practiced on any one premises.
13. No business shall be conducted between the hours of 10:00 p.m. and 7:00 a.m..

Section 614. NO-IMPACT HOME BASED BUSINESS REGULATIONS

The no-impact home based 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 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.

Section 615. FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance and the improvements are located within one hundred (100) feet of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

Section 616. FENCES, WALLS AND HEDGES

1. Except as noted elsewhere in this Ordinance, fences, walls, and hedges may be located within required yards. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time. Fences shall be setback from property boundaries a minimum distance to permit maintenance on the exterior side of the fence.
2. Fences, walls and hedges shall comply with the requirements of Section 617.2 of this Ordinance.

3. No fence or wall, except a retaining wall, within five (5) feet of a lot line shall exceed ten (10) feet in height, unless otherwise required by this Ordinance.

Section 617. CORNER LOT RESTRICTIONS

1. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.
2. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mail boxes, which impedes vision between a height of two and one half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets.
3. Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

Section 618. PROJECTIONS INTO YARDS

1. 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, patios, or open porches, provided that such terraces, patios, or open porches are not roofed or otherwise enclosed, are not closer than ten (10) feet or the yard requirement (whichever is less) to any lot line (except a lot line which is the projection of a party wall), and do not project into any required front yard.
 - b. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys, and window

sills, provided that all such features shall project no more than five (5) feet into any required yard, and shall not be located closer than six (6) feet to any lot line (except lot lines which are the projection of party walls.)

- c. Uncovered stairs and landings, provided such stairs or landings do not exceed three (3) feet six (6) inches in height, do not project more than five (5) feet into any required yard, and are not located closer than six (6) feet to any lot line (except lot lines which are the projection of party walls).

Section 619. HEIGHT EXCEPTIONS

Except as provided in Section 622 of this Ordinance, the building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy.

Section 620. STANDARDS FOR NON-PUC REGULATED PUBLIC UTILITY USES

- 1. All areas for parking and loading shall be located behind the building setback line.
- 2. If adjoining land is zoned A, P, L, or H, all facilities, storage, or activities outside a building shall be screened from view from public streets and adjoining lots.

Section 621. STANDARDS FOR HOTELS AND MOTELS

- 1. At least two (2) recreational activities for guests shall be included on the grounds.
- 2. A dining room shall be provided.
- 3. The design of buildings shall be fitted into a development plan for the property on which they will be located, which shall emphasize the natural features of the site.
- 4. All building facings shall be separated by at least fifty (50) feet.

Section 622. WIRELESS COMMUNICATIONS FACILITIES

- 1. Tower-Based Wireless Communications Facilities - General Requirements.

The following regulations shall apply to all tower-based wireless communications facilities:

A. Development Regulations.

- (1) Prohibited in high residential and open space/recreation zones including but not limited to the H - High Density Residential, C2 - Commercial, O - Open Space and Recreation, and P - Preservation Districts. No tower-

based WCF shall be located in a right-of-way or within five hundred feet (500') of a lot in residential use, regardless of zoning district. The distance from the base of a proposed tower-based WCF to the nearest point on any lot line, lease line and license line shall not be less than the full height of the tower structure. Tower-based WCFs are permitted only in the A, L, S, C-1 and I Zoning Districts as specified.

- (2) No more than one tower based WCF shall be placed on any one lot or leased or licensed parcel except a second tower based WCF may be placed on the same lot or leased or licensed parcel provided the towers are five hundred feet (500') apart and both tower based WCFs comply with all applicable regulations and setbacks.
- (3) **Gap in Coverage.** An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCF's.
- (4) **Sole Use on a Lot.** A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district. A subdivision plan shall be required for any lot or lease parcel created for occupancy by a tower-based WCF and communications equipment building. A land development plan shall be required prior to construction of any tower-based WCF and communications equipment building.
- (5) **Combined with Another Use.** A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, institutional or municipal use, subject to the following conditions:
 - (a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.
 - (b) **Minimum Lot Area.** The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - (c) **Minimum Setbacks.** The tower-based WCF and accompanying equipment building shall comply with the requirements for the

applicable zoning district, provided that no tower-based WCF shall be located within five hundred feet (500') of a lot in residential use.

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

- (4) Any Tower-Based WCF over forty feet (40') in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
- E. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard design by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
- F. Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred seventy five feet (175'), which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure.
- G. Lighting. Tower-based WCF shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
- H. Surrounding Environs.
- (1) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (2) The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-B, as amended, to document and verify the design specifications of the foundation of the tower-based WCF.
- I. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.
- J. Fence / Screen.¹
- (1) A security fence having a minimum height of eight feet (8') shall completely surround any tower-based WCF or any building housing WCF equipment.
- (2) An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.

¹ See Penn Township Zoning Ordinance, Section 605 entitled "Landscaping" and Penn Township SALDO, Sections 6.50 entitled "Landscaping" and 6.60 entitled "Plant Materials, Specifications, Maintenance and Guarantee".

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

- Q. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
- R. Noise. Tower-based WCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- S. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety, and any applicable airport zoning regulations, if any. The WCF applicant shall furnish a statement from the Reading Regional Airport Authority that the tower-based WCF complies with applicable regulations or is exempt from these regulations.
- T. Access Road. An access road, of at least ten feet (10') in width, in an easement of at least twenty feet (20') in width, turnaround space and a minimum of one (1) off-street parking space shall be provided to ensure adequate emergency and service access to tower-based WCF. At a minimum, Bituminous paving shall be required for the first twenty feet (20') from the intersection with the road, thereafter gravel or like material shall be acceptable for the access road. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
- U. Bond. Prior to the issuance of a permit, the owner of a tower-based WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of One Hundred Thousand Dollars (\$100,000.00) to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.
- V. License and Insurance. In addition, The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the tower-based WCF or antennae; and a certificate of insurance evidencing general liability coverage in

the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence covering the tower-based WCF, antenna, and related facilities.

- W. Timing of Approval. Within thirty (30) calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- X. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs pursuant to a fee schedule adopted and as amended from time to time by the Township Board of Supervisors.
- Y. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- Z. Nonconforming Uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter.
- AA. Maintenance. The following maintenance requirements shall apply:
 - (1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

- BB. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- CC. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (1) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (2) If the WCF and/or accessory facility is not removed within twelve (12) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - (3) Any unused portions of tower-based WCFs, including antennas, shall be removed within twelve (12) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

2. Non-Tower Wireless Communications Facilities

A. General Requirements for Non-Tower WCF.

The following regulations shall apply to all non-tower wireless communications facilities, regardless of location:

- (1) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township. Applicants proposing installations on existing buildings or structures shall submit evidence of agreements and / or easements necessary to provide access to the existing building or tower so that installation and maintenance of the equipment can be accomplished.
- (2) Standard of Design and Care.
 - a. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes,

including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, Pennsylvania Construction Code Act and Regulations and National Electrical Code, and shall not affect pedestrian or vehicular traffic.

- b. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - c. Design certification from a Pennsylvania registered professional engineer is required to attest that the existing structure can adequately support the proposed equipment installation. Detailed construction and elevation drawings, indicating antenna locations and mounting design, shall be submitted by the applicant.
 - d. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- (3) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
- (4) Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communications services enjoyed by occupants of nearby properties.
- (5) Aviation Safety. Non-tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety, and any applicable airport zoning regulations, if any. The WCF applicant shall furnish a statement from the Reading Regional Airport Authority that the non-tower-based WCF complies with applicable regulations or is exempt from these regulations.
- (6) Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (7) Historic Buildings. Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.
- (8) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (a) All abandoned or unused non-tower WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the non-tower WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the non-tower WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- (9) Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
- (10) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.
- (11) The regulations set forth herein for non-tower wireless communications facilities shall not apply to non-commercial antennas and towers (as defined).

B. Substantial Change to Non-Tower WCF.

In addition to the provisions in Section 622.2.A, the following regulations shall also apply to all non-tower wireless communication facilities that Substantially Change (see definitions) the physical dimensions of the WCF itself or the wireless support structure to which they are attached:

- (1) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (2) Bond. Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of Twenty Five Thousand Dollars (\$25,000.00) for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.
- (3) License and Insurance. In addition, the applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a certificate of insurance evidencing general liability coverage in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence covering the communications tower or antenna.
- (4) If such non-tower WCF that constitutes a Substantial Change is located outside the rights-of-way, then the following additional requirements shall apply:
 - (a) Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - i. The combined maximum height of the WCF and wireless support structure does not exceed one hundred twenty five feet (125').
 - ii. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

- iii. A minimum eight foot (8') high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(b) Design Regulations.

- i. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- ii. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen feet (15') above the roof or parapet, whichever is higher, unless the WCF applicant obtains a special exception from the Township's Zoning Hearing Board.
- iii. All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- iv. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- v. Noncommercial Usage Exemption. The design regulations enumerated in this paragraph shall not apply to non-commercial antennas and towers (as defined).

(c) Removal, Replacement, Modification.

- i. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
- ii. Any material modification to a wireless communication facility shall require a prior amendment to the original permit or authorization.

- (d) Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.
- (e) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time upon reasonable notice to the operator, to ensure such compliance.

C. Non-Tower WCFs Inside Rights-of-Way.

In addition to the provisions in Section 622.2.A, and 622.2.B if applicable, the following regulations shall also apply to all non-tower wireless communication facilities located in the rights-of-way (ROW), regardless of whether they constitute a Substantial Change or not:

- (1) Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF Applicant shall locate its non-tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.
- (2) Design Requirements.
 - (a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet (6') in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (b) Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (3) Compensation for ROW Use. In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and

performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township and authorized by resolution of Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.

- (4) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (5) Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen inches (18") of the face of the curb or within an easement extending onto a privately-owned lot.
 - (b) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on any wireless support structure or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.

- (f) Non-tower WCFs shall not be located within an easement other than a utility easement.
 - (g) New ground mounted cabinets shall not be installed above ground directly in front of a residential structure.
- (6) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.
 - (b) The operations of the Township or other governmental entity in the right-of-way.
 - (c) Vacation of a street or road or the release of a utility easement.
 - (d) An emergency as determined by the Township.
- (7) Visual or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon visual and/or land use impact.
- (8) The Township shall be named as an additional insured on all applicable insurance policies.

Ord. 2008-05, 10/27/2008; as replaced by Ord. 2017-03, 4/24/2017, §16.

Section 623. CO-LOCATION OF WIRELESS COMMUNICATIONS FACILITIES

To the extent the regulations provided for in Section 622 are applicable to co-location of wireless communications facilities and the regulations are inconsistent with the Wireless Broadband Collocation Act, 53 P.S. §11702.1 et seq., the Act regulations set forth in the statute shall control.

Ord. 2017-03, 4/24/2017, §17.

Section 624. MEDICAL MARIJUANA DISPENSARY

1. Provide a copy of the permit for medical marijuana dispensary issued by the Pennsylvania Department of Health.
2. Provide a copy of the security information for the dispensary permit issued by the Pennsylvania Department of Health.
3. The lot or property line of such business shall not be located within 1,000 feet of the lot or property line of a public, private or parochial school or day-care center, as provided for by 35 P.S. §10231.802. Only the Department of Health through the dispensary permitting process may adjust or waive this prohibition.

Ord. 2017-03, 4/24/2017, §18.

Section 625. MEDICAL MARIJUANA GROWER/PROCESSOR

1. Provide a copy of the Permit for medical marijuana growing/processing issued by the Pennsylvania Department of Health.
2. Provide a copy of the security information for the growing/processing permit issued by the Pennsylvania Department of Health.
3. Not more than one such business or activity shall be permitted within any one building or lot.
4. No buildings or driveways associated with a grower/processor shall be located on any other building or lot.
5. No such business or activity may change to another type of such business or activity, except upon application to and approval by the Board of Supervisors of such change as a conditional use subject to the criteria set forth herein.

Ord. 2017-03, 4/24/2017, §19.

ARTICLE VI.2

HISTORIC AND ENVIRONMENTAL RESOURCE PROTECTION REGULATIONS

Section 630. HISTORIC RESOURCE PROTECTION

1. Intent

It is the intent of this Section to provide a framework for the preservation of historic sites, objects, buildings, structures and districts in the Township, pursuant to the goals and objectives of the Township's Comprehensive Plan and the following goal and objectives:

Goal: Preserve and enhance the historic, architectural and cultural resources of the municipality.

Objectives:

- Encourage property owners and developers to preserve, protect, and enhance historic resources within the municipalities.
- Foster increased public awareness of the history of and historic resources within the municipalities.
- Support efforts of organizations to identify and protect historic resources.
- Require new development to reflect and consider the history, architecture and development patterns of the municipalities in order to preserve the important historic and architectural resources of the area.
- Determine the role which the municipalities should play in historic preservation through land use ordinance incentives, controls and regulations, and efforts to create historic districts and/or historic overlay zoning.
- Encourage adaptive re-use of historic structures where appropriate.

2. General Provisions

- a. Compliance. Any change to a historic resource identified on a map or list adopted by any Historical Commission shall occur only in full compliance with the terms of this Ordinance and other applicable regulations.
- b. Historic Overlay Concept. Any Historic Resources Map or list adopted by any Historical Commission shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land.

- (1) For any historic resource, the requirements and opportunities contained in this Ordinance shall (a) apply in addition to the applicable requirements of the underlying zoning district, and (b) supersede the otherwise applicable requirements of the underlying zoning district only where those requirements are inconsistent with the requirements and opportunities contained in this Section.
 - (2) Should the Historic Resources Map or list be determined to not be applicable for any reason, such as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Section.
- c. Preservation of Other Restrictions. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. .

3. Historical Commission

a. Establishment and Membership

The Board of Supervisors may appoint a Historical Commission made up of at least five (5) residents of the Township. The membership of any Commission shall include individuals who have an interest in history, architectural history, archaeology, historic preservation, or related fields. At least one (1) member shall be a member of a Planning Commission and at least one (1) member shall be a member of a Board of Supervisors. Each Commission member shall serve for a term of three (3) years which shall be so fixed that no more than three terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission and the Board of Supervisors shall act within ninety (90) days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term. Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.

b. Organization

Any Commission shall annually elect from its own membership a chairman who will direct the activities of the Commission and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. Any Commission may make, alter, and rescind rules and forms for its procedures consistent with the ordinances of the municipality and laws and regulations of the Commonwealth. Any Commission shall conduct business at regular public meetings. An agenda of each public meeting shall be available for inspection prior to the meeting.

c. Records and Reporting

Any Commission shall keep full public records of its business and shall submit a report of its activities to the Governing Bodies annually.

d. Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, a Commission may employ staff or contract for clerical, consulting, or other technical services.

e. Functions and Duties

In accordance with the purposes of this Ordinance, any Commission shall have the following functions and duties:

- (1) Maintain a system for the survey and inventory of historic resources.
- (2) Conduct research on and propose the nomination of significant resources to the National Register of Historic Places and other appropriate lists or programs.
- (3) Advise the Zoning Officer and Board of Supervisors on the issuance of demolition permits for historic resources.
- (4) Make recommendations to the Board of Supervisors concerning revisions, updates, or corrections to the Historic Resources Map.
- (5) Maintain an updated list which clearly identifies historic resources.
- (6) Advise the Zoning Hearing Board and Board of Supervisors on all requests for special exceptions, conditional uses, or variances affecting historic resources.
- (7) Review applications for the demolition of, rehabilitation of, enlargement or alteration of historic resources as well as applications for new construction adjacent to historic resources.
- (8) Perform any other lawful activities which shall be deemed necessary to further the purposes of this Ordinance.
- (9) Function as Historical Architectural Review Board (HARE) which may be certified by the Pennsylvania Historical Museum Commission.

4. Historic Resources Map

- a. Classifications. The Historic Resources Map or list delineates two classifications of historic resources, which are defined as follows:

(1) Class I

- (a) National Register Historic District contributing resources, i.e., buildings, sites, structures, and objects officially recognized as such by the National Register of Historic Places or Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.
- (b) Buildings, sites, structures, objects, and districts which have received a Determination of Eligibility (DOE) for the National Register.
- (c) Resources which are deemed by any County agency to meet the criteria for certification by an applicable certification program.

(2) Class II

Buildings, sites, structures, objects, and districts included in the historic resources inventory of the Historic Commission and not included in Class I, above, i.e., buildings which are deemed locally significant based on criteria established by the Historic Commission.

- b. Revisions. The Historic Resources Map or list may be revised from time to time as determined by the Historic Commission.
 - (1) The owner(s) of any property(ies) which are the subject of any such proposed administrative action shall be given written notice of the Historical Commission's determination at least ten (10) days prior to the public meeting at which the Commission considers action.
- c. Official List. The Historical Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications. -

5. Application Procedures

- a. The application for a permit for any building or structure subject to the provisions of this Ordinance shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. In addition to other applicable requirements, any applicant seeking a permit for demolition, addition, new construction, reconstruction or alterations affecting a Class I or Class II historic resource shall provide the following information:
 - (1) owner of record
 - (2) classification on Historic Resources Map
 - (3) site plan showing all buildings and structures on the property

- (4) recent 3x5 or 5x7 photographs of the resource to include area of proposed changes
 - (5) a site plan at a scale of 1 inch to 20, 30, 40, or 50 feet
 - (6) schematic architectural drawings of the proposed construction or changes at a scale of 1 foot to 1/4 inch
 - (7) reasons for demolition, addition, new construction, reconstruction or alteration
 - (8) method of demolition, if applicable
 - (9) future uses of the site (if applicable)
 - (10) proposed signage
 - (11) a landscaping plan
 - (12) a lighting plan
 - (13) other materials which may be required in accordance with the rules and regulations of Historic Commission.
- b. The Zoning Officer shall, within three days, forward the permit application, together with all plans and other documentation submitted, to the Historic Commission. A pre-application review may be requested by the applicant or by the Historic Commission to discuss the project before preparation of working drawings and specifications. The purpose of this review shall be to acquaint the property owner or agent with Standards for Rehabilitation as well as any other criteria enacted by the Historic Commission. In the case of very minor projects involving repair or alterations to existing buildings, the Historic Commission may recommend approval for the permit application at the pre-application review session. If no such ruling is made, the plans for the proposed work will be reviewed at the next regularly scheduled meeting of the Historic Commission.
- c. The Commission shall, within thirty (30) days of receipt of a complete permit application from the Zoning Officer, review the permit application for compliance with "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and prepare a report indicating whether the plans are in substantial compliance with said "Standards" and any additional review criteria enacted by the Historic Commission and, if not in compliance, suggesting alternatives which would bring the plans into compliance. The report shall be sent to the Zoning Officer and the applicant and one copy shall be kept in the historic resource file maintained by the Commission.

- d. Upon receiving a report of substantial compliance from the Commission, and provided that the plans satisfy all other requirements of the municipality, the Zoning Officer shall issue the appropriate permit. -
- e. If the Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until the plans have been revised by the applicant in accordance with the Commission's recommendations and all other requirements of the municipality.

6. Standards for Rehabilitation

- a. Standards for Rehabilitation. Any proposed rehabilitation, alteration, or enlargement of a historic resource should be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as amended. At the time of enactment of the Ordinance, those standards were as follows:
 - (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces-that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- b. Compliance. Determination of compliance with these standards shall be made by written report of the Historic Commission to the Board of Supervisors, using "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," as amended.

7. Additional Review Criteria

The Historic Commission has the right to develop criteria for review of historic properties in addition to the criteria set forth in "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, II as amended. Any such criteria developed by the Historic Commission shall be submitted to the Board of Supervisors for their review and approval and made a part hereof.

8. Buffering

- a. Buffering. When any subdivision, land development, or any nonresidential use is proposed on a property, any boundary of which is within 300 feet of an exterior wall of a Class I historic resource, the applicant shall be required to submit a plan depicting how the Class I historic resource will be buffered against the deleterious or adverse impacts of the proposed change. Buffering may include, but need not be limited to, vegetative screening and fencing, the appropriateness and effectiveness of which shall be evaluated by the Historic Commission prior to any plan approval or permit issuance.

9. Modification to Area and Bulk Regulations

- a. The Zoning Hearing Board, through the grant of a special exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, yard, or other area and bulk requirements for plans affecting Class I historic resources, in accordance with the criteria set forth under Section 902 of this Ordinance and provided the following additional criteria are met:

- (1) The granting of the special exception is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I historic resource.
 - (2) The granting of the special exception will be deemed by the Zoning Hearing Board to have no detrimental effect on neighboring properties.
 - (3) Any plans for demolition, additions, new construction, reconstruction or alterations affecting a Class I historic resource shown on the application for special exception must be in substantial compliance with "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating ' Historic Buildings" and any additional review criteria established by the Historic Commission.
- b. The Historic Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of any Class I historic resource. Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board. The written report of the Historic Commission shall be admissible before the Zoning Hearing Board without further testimony or authentication.

10. Demolition of Historic Resources

- a. No historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements.
- b. Unoccupied structures shall be properly secured against theft and vandalism.
- c. The structural integrity of both occupied and unoccupied historic resources shall be maintained through proper maintenance of the roof, chimney(s), window and door openings.
- d. In unoccupied structures, basement floor joists shall be checked no less than annually by the owner and reinforced as may be required to maintain structural stability.
- e. It is recommended that interior architectural features from occupied or unoccupied historic resources be retained and preserved.
- f. Those making application for demolition of any resource listed on the Historic Resource map or list must comply with all applicable regulations set forth in this ordinance and comply with the following additional procedures:
 - (1) One copy of the application for demolition shall be forwarded to the Historic Commission and one copy to the Governing Body together with recent interior and exterior photographs of the resource proposed for demolition, a site plan

showing all buildings on the property, and explanation of the reasons for the proposed demolition and proposed future uses of the site.

- (2) Within thirty (30) days of receipt of a complete permit application, at its regular or a special meeting, the Historic Commission shall meet to review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the proposed demolition. In reviewing the application, the Historic Commission shall take into account:
 - (a) The effect of the proposed demolition on the integrity of the Historic Resources of the municipality;
 - (b) Economic feasibility of adaptively reusing the resource proposed for demolition;
 - (c) Alternatives to demolition of the resource.
- (3) In its review of an application for demolition of a historic resource, the Historic Commission may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey, and any other comparable form of documentation stipulated by the Commission. In its review of an application for demolition of a Class I historic resource, the Historic Commission may also require the applicant to prepare a Financial Analysis which may include any or all of the following:
 - (a) amount paid for the property, date of purchase, party from whom purchased, relationship with that party;
 - (b) assessed value of the land and improvements according to the most recent assessment;
 - (c) for depreciable properties, a pro forma financial statement prepared by an accountant or broker of record;
 - (d) all appraisals obtained by the owner in connection with his purchase of the property or during his ownership of the property
 - (e) bona fide offers of the property for sale or rent, price asked, and offers received, if any;
 - (f) any consideration by the owner as to profitable, adaptive reuse of the property

- (4) Any costs incurred by the Commission to retain a consultant to review plans or studies submitted, as agreed to by the applicant, shall be reimbursed to the municipality by the applicant.

- g. Written Recommendation

Within thirty (30) days following conclusion of the meeting, the Historic Commission shall set forth its recommendation in a written report to the Board of Supervisors.

- h. Board of Supervisors Response

Within thirty (30) days of receiving the review of the demolition application by the Historic Commission, the Board of Supervisors shall consider the application for demolition at a public meeting. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. The Board of Supervisors may vote to authorize the permit immediately or delay authorization for a period not to exceed ninety (90) days from the date of initial application for a building permit, during which period the municipality and applicant will explore alternatives to demolition.

11. Integrity of Historic Setting

- a. The subdivision or land development of a lot which contains a Historic Resource shall be accomplished in such a manner that the resulting lot that will contain the resource is large enough to preserve the integrity of historic setting of the resource. A goal of the municipality shall be to preserve outbuildings, significant site features and immediate yard areas significant to the resources on the lot with the resource.
- b. The size and configuration of the subdivided lot shall depend upon the class of the Historic Resource and the natural characteristics and the landscaping of the subdivided lot and adjacent lots. Lot boundaries shall, in general, conform to the lines of identifiable natural features including landscaping, topography, geology, lot configuration, etc., on the site. Review and recommendations regarding the resource, its subdivided lot, and the proposed land developments shall be made by the Historic Commission to the Planning Commission and the Board of Supervisors. The Board of Supervisors may require that a lot size be increased above the minimum lot size for the zoning district in which the resource is located.

12. Additional Use Opportunities

- a. As a Conditional Use the Board of Supervisors may permit additional use opportunities within buildings associated with Class I and II Historic Resources as follows:
 - (1) Single family dwellings and home occupations and home businesses within dwellings.

- (2) Bed and breakfasts.
 - (3) Financial institutions, restaurants (not drive-in), personal or household services, studios, and retail businesses.
- b. The following additional conditions shall apply to the granting of the Conditional Use:
- (1) The Board of Supervisors shall determine that the use allowed is necessary to enable continued utilization of the historic resource.
 - (2) An historic building shall not be expanded by more than fifty percent (50%) of its existing footprint to utilize the use opportunities.
 - (3) The application shall be reviewed by the Historical Commission.

Section 631. GEOHERMAL ENERGY WELLS

The purpose of this Part is to regulate certain uses of the geothermal resources and thermal ground waters within and adjacent to the Township of Penn. In furtherance of this overall purpose, this Part is specifically intended to serve the following sub-purposes:

- 1. Minimization of the potential for damage or degradation to geothermal resources and thermal ground waters; and
- 2. Protection of the surface and subsurface environment during development and utilization of geothermal resources and thermal ground waters;

Section 631.2. DEFINITIONS

The following terms, as used in this Part, shall have the following meanings, unless the context clearly indicates a different meaning is intended:

Geothermal fluid – Any fluid transporting or capable of transporting geothermal heat.

Geothermal resources – The natural heat of the earth, and the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, in whatever form, found below the surface of the earth, exclusive of oil, hydrocarbon gas, other hydrocarbon gas, other hydrocarbon substances of helium but including specifically:

- a. All products of geothermal processes, embracing indigenous steam, hot water, and hot brines;

- b. Steam and other gases, hot water, and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;
- c. Heat or other associated energy found in geothermal formations; and
- d. Any by-product derived from them.

Ground water – Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological information or structure in which such water stands, flows, percolates, or otherwise moves.

- a. Thermal ground water: Ground water which is less than 250 degrees Fahrenheit at bottom-hole temperature; and possessing sufficient heat to be used for a direct thermal application or in conjunction with a ground water heat pump.

Well – Any artificial opening or artificially altered natural opening, however made, by which geothermal fluids or ground water flows under natural pressure or is artificially withdrawn, or is used to operate a heat exchanger within the well, provided that this definition shall not include a natural spring.

Section 631.3. CONSTRUCTION

The provision of this Part shall be construed to the maximum extent possible as consistent with applicable state and federal statutes and regulations.

Section 631.4. SURFACE DISCHARGES

No well constructed or altered after the effective date of this Ordinance shall be operated or altered in such a manner as to cause geothermal fluids or thermal ground water to be discharged onto the surface of the ground or into any public ditch or drainage facility. Construction and routine maintenance of wells shall be exempt from said prohibition.

Ord. 2009-03, 11/23/2009, §20.

Section 632. WOODLAND CONTROLS

1. Forestry may be practiced where permitted by this Ordinance.
2. Section 633 of this Ordinance indicates the percentage of the woodland on a tract of land proposed for development which may be developed. The remaining woodland on the tract shall be protected from development, though dead and diseased trees may be removed, pre-commercial timber stand improvement practiced, and trees removed for personal use provided trees are not clear cut.

3. If woodland is removed from a tract of land prior to submission of a subdivision or land development plan after the date of adoption of this Ordinance, the woodland removed shall count towards the permissible removal under Section 633 of this Ordinance.

Section 633. DETERMINATION OF DENSITY FOR PARCELS CONTAINING PROTECTED AREAS

1. The following procedure shall be followed by all applicants for subdivision and land development approval:
 - a. Phase 1. The applicant shall prepare an Existing Conditions Map of the parcel which shall identify and calculate the areas, delineated with metes and bounds, containing the following resources:
 - (1) Natural resources:
 - (a) Floodplains (one-hundred-year);
 - (b) Wetlands;
 - (c) Watercourses, including lakes, ponds and streams;
 - (d) Areas of steep slope, including areas of very steep slopes (25% and over) and areas of steep slopes (between 15% and 25%);
 - (e) Woodlands;
 - (f) Wetland margins (the areas within 100 feet of a wetland).
 - (2) Man-made resources:
 - (a) Existing and proposed road and access rights-of-way;
 - (b) Existing and proposed utility rights-of-way.

The Base Site Area shall be calculated by subtracting all existing and proposed road access and utility rights-of-way from the Total Parcel area.

- b. Phase II.
 - (1) The applicant shall calculate the "Protected Area" of the parcel, which shall be determined as follows:

	Protected Area
	(Acres in
Open Space	Acres of Land
	Resource x Open

Natural Resources	Percentage	in Resource	Space Percentage)
Floodplain	100%	x _____ =	_____
Wetlands	100%	x _____ =	_____
Watercourses	100%	x _____ =	_____
Very steep slope (25% and over)	100%	x _____ =	_____
Woodland	70%	x _____ =	_____
Woodland (if overlapping another protected feature)	90%	x _____ =	_____
Steep Slope (15-24%)	70%	x _____ =	_____
Wetlands margin	70%	x _____ =	_____
Total Protected Area			_____

- (2) Individual acreage results shall be totaled to result in the "Protected Area." The Protected Area shall be deducted from the Base Site Area. The resulting figure shall be the "Developable Area." Calculations of permissible density or intensity of development (number of dwelling units on lots) shall be based on this figure.
- (3) In the event that two or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.
- (4) Protected areas shall not be developed unless specifically permitted by this Ordinance or other municipal ordinance.

Section 634. STEEP SLOPE OVERLAY DISTRICT

1. Specific Intent

Portions of the Township are characterized by hilly terrain which is occasionally quite steep. Development on steep terrain enhances the potential for adverse impacts resulting from erosion and stormwater runoff. This potential is increased as lot' size decreases.

Recognizing the significance of steep slope development on small lots, a special lot area requirement is established for slopes that are greater than 15%. This requirement, combined with effective stormwater management practices, will help to mitigate the effects of steep slope development.

2. Lot Requirements for Steep Slopes

Unless a greater minimum lot area is otherwise specified in this Ordinance, in which case the greater area shall apply, the minimum lot area requirement for all lots or parcels where more than 50% of the area is greater than 15% slope shall be two and one-half (2 1/2) acres for lots or parcels proposing on-lot sewage disposal and one and three-quarters (1-3/4) acres for lots or parcels proposing community sewage disposal.

Since each specific lot or parcel within a subdivision is subject to the above lot area requirement, a subdivision could contain some larger lots and some lots that conform with the basic area requirement for the underlying zoning district.

With exception of the minimum lot area, the lots that must be larger due to slope shall conform to the same Area and Height Regulations that apply to the underlying zoning district in which the lot is located.

The minimum lot area, due to the presence of steep slopes, will be determined based on existing ground contours. Proposed grading of the tract, parcel or lot will not be considered in the calculation of minimum lot area.

3. Determination of Steep Slope Areas

An indication of the slope of any location in the municipality can be obtained from the Berks County Soil Survey, published by the USDA - Natural Resources Conservation Service. Soils that contain a slope identifier of D, E or F in the map symbol have slopes of 15% or greater (examples: CnD, ChE3, EdF). Properties with these soil classifications are presumed to have steep slope under this Ordinance.

It is recognized that the soil lines shown on the maps are approximate, and may not accurately define the areas of steep slope on a property. Therefore a land owner (a) may conduct a topographic survey of the property to more accurately identify the steep slope areas, and (b) must conduct such a survey when required by the municipality in instances where the actual slopes on the property appear to be more than those indicated by the Soil Survey mapping.

4. Procedures For On Site Topographic Survey

The owner of a property may demonstrate to the municipality that the actual slopes on a property are less than those indicated by the Soil Survey mapping. This can be done by an on-site topographic survey conducted by a registered Professional Engineer or Professional Land Surveyor. The plan shall contain the certification of the Engineer or Surveyor conducting the survey.

A topographic survey shall be prepared in accordance with the scale requirements established in the Subdivision Ordinance for the subdivision plans and shall include at least the following. .

- a. The surveyed topography in two foot contours.
- b. Proposed lot lines and significant features such as water bodies, tree masses, and existing buildings.

- c. The areas of the property where the slope is greater than 15% according to the Soil Survey mapping.
- d. The name and seal of the engineer or surveyor who prepared the plan.
- e. The name of the landowner and subdivision.

5. Review of Topographic Plan

Completed topographic plans shall be submitted to the Municipal Secretary or designee who shall refer the plan for review.

- 6. Any lot held in single and separate ownership on the effective date of this Ordinance which does not meet the minimum size requirement of this Section due to steep slopes does not have to be increased in size to meet the requirements of Section 634.2 above.
- 7. When subdivision or land development of a site containing slopes of greater than 15% occurs, natural features and important visual qualities of the site such as topsoil, hilltops, ridge lines, rock outcroppings and scenic views shall be preserved and incorporated into the final design of the site whenever possible and desirable as determined by the municipality.
- 8. The following controls shall apply in all areas where the slope of the land at the site of earth moving exceeds twenty-five percent (25%) over a linear distance of more than twenty feet (20') except for earth moving within a man-made slope. The determination of what constitutes man-made slopes will be made by the Zoning Officer.
 - a. Prior to any earthmoving, the establishment of any building, structure, driveway or use, and the issuance of a zoning permit it, a Special Exception shall be obtained from the Zoning Hearing Board.
 - b. Prior to any alteration of the existing grade, and before the granting of a special exception, a grading plan prepared by a registered professional engineer shall be submitted to the Zoning Hearing Board and an erosion and sedimentation control plan prepared by a registered professional engineer shall be submitted to the Zoning Hearing Board and approved by the County Conservation District. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. On the grading plan all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown. The percentage of tree clearance and impervious coverage in the Steep Slope Areas shall be indicated.
 - c. The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be prepared by a registered architect and shall be submitted to the Zoning Hearing Board prior to the granting of a special exception.

- d. No more than twenty percent (20%) of wooded areas on the lot existing at the time a zoning permit is applied for shall be subsequently clear cut. Existing trees and shrubs shall be preserved whenever possible and desirable as determined by the Zoning Hearing Board. The location of trees must be considered when developing the site. The applicant shall indicate the means whereby trees and other natural features shall be protected during construction.
 - e. The proposed development shall be accomplished without excessive earth moving and destruction of natural amenities. No more than ten percent (10%) of the areas of slope greater than 25% shall be covered by impervious surfaces. No more than fifteen percent (15%) of land with slopes greater than 25% shall be disturbed over time.
 - f. The applicant shall provide architectural plans, elevations and sections for proposed buildings and the plan, profile, and typical cross-section of impervious surfaces. '
 - g. Buildings shall not be constructed on slopes exceeding twenty-five percent (25%), unless no areas less than 25% are available for building. In such cases, the Zoning Hearing Board may permit construction on slopes exceeding twenty-five percent (25%) as a Special Exception.
9. No more than thirty percent (30%) of slopes greater than 15% but not greater than 25% shall be disturbed over time.
10. No grading shall occur in such a way that would circumvent the requirements of this Ordinance, such as grading done prior to submittal of a permit required under this Ordinance.

Section 635. WETLANDS, WETLAND MARGINS, AND HYDRIC SOILS

- 1. Wetlands shall not be graded, regraded, altered, filled or otherwise developed except as permitted by the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers. All lands determined to be wetland areas shall be buffered from surrounding development activity by an unimproved, vegetated strip of land. The buffer strip shall have a minimum width of one hundred (100) feet.
- 2. Hydric soils, as identified by the USDA, Natural Resources Conservation Service, shall not be graded, regraded, altered, filled or otherwise developed until a wetlands investigation of the areas of hydric soils has been performed. If wetlands are identified, the land shall be subject to Subsection 635.1 above. If wetlands are not identified, the land shall not be subject to Section 635.1 above, but shall be subject to all other applicable provisions of this Ordinance. .
- 3. Any proposed land use which may directly (by means of effluent discharge into the ground) or indirectly (through the leaching of stored materials) result in the pollution of the groundwater shall be prohibited from developing in any wetland, wetland margin, or area of hydric soil.

Section 636. WELLHEAD PROTECTION

1. All applications for Zoning permits involving a property within 400 feet of a public water supply shall be submitted to the water supplier in order to inform the supplier of activities which could potentially affect the water supply.
2. All uses within 400 feet of a public water supply shall meet all applicable PA DEP and United States EPA regulations, including those related to the use, storage, manufacture, or disposal of any substances regulated by those agencies.

Section 637. FLOODPLAIN CONTROLS

All construction or development within Penn Township shall be undertaken in conformance with the requirements of the floodplain management ordinance currently in effect within the Township.

Ord. 2008-05, 10/27/2008; as replaced by Ord. 2012-01, 3/26/2012, Part II.

Section 638. ENVIRONMENTAL PERFORMANCE STANDARDS

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

a. Air Management

- (1) No malodors shall be detectable beyond the lot lines of the lot on which such malodors originate.
- (2) Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this ordinance and in which case the more restrictive standard shall apply.
- (3) No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- (4) No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates, except as may occur during lawn maintenance, agricultural operations, or construction operations carried out pursuant to any applicable State requirements and required planning and permitting procedures.

b. Wastewater Management

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

c. Solids Waste Management

- (1) No storage of waste material on the lot shall be permitted. Except in the case of residential properties where otherwise required by this Ordinance or other municipal ordinance, all waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

d. Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

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

	10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial, Office or Industrial	7:00 a.m. - 10:00 p.m.	65 dBA
	10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	55dBA

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

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

- The emission of sound for the purpose of alerting persons to the existence of an emergency.
- Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays.
- Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- Agriculture.
- Construction operations.
- Public celebrations authorized by the Township.
- Lawn maintenance equipment.
- Surface carriers engaged in commerce by railroad.
- Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
- The unamplified human voice.

- Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.

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

e. Heat

- (1) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

f. Electromagnetic and Radioactive Radiation

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

g. PA DEP Requirements

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

h. Electric. Diesel. Gas or Other Power

- (1) Every use requiring power shall be so operated that any service line, substation, or other facility shall:
 - (a) Conform to the highest applicable safety requirements,
 - (b) Be constructed and installed as an integral part of the architectural features of the plant, and
 - (c) Be concealed by evergreen planting from residential properties.

Section 639. PROTECTION OF RIDGELINES AND RIDGETOPS

To the maximum extent practicable, in the determination of the Governing Body, any wooded portion of the ridgelines or ridgetops located on a property proposed for subdivision or development shall be maintained in an undisturbed state. A photographic

record and tree line profile of all such wooded ridgelines and ridgetops located on the property shall be made prior to all construction activities and shall serve as the base line condition to be restored by replacement plantings following any construction permitted by the Governing Body.

Any permitted structures should be sited away from ridgetops and ridgelines, at lower elevations. Structures should blend in with the natural surroundings through use of building materials and colors. Exterior lighting should be controlled in both height and intensity.

Section 640. SLOPE CONTROLS

The following controls shall apply in all areas where the slope of the land at the site of the earth moving exceeds twenty-five percent (25%):

1. Prior to the establishment of any building, structure, or use, and before the issuance of a zoning permit, an erosion and sediment control plan shall be approved by the Township Supervisors.
2. Prior to any alteration of the existing grade, and before the issuance of a zoning permit, a grading plan shall be approved by the Township Supervisors. The grading plan shall indicate existing and proposed contours at intervals of no more than five feet in elevation.
3. The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be approved by the Township Supervisors prior to the issuance of a zoning permit.
4. No more than fifteen percent (15%) of wooded areas on the lot existing at the time a zoning permit is applied for shall be subsequently cleared.

Section 641. PROHIBITED USES

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

Section 642. REMOVAL OF NATURAL RESOURCES

1. Except where listed as a permitted use, the stripping and removal of topsoil from lots shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation, and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. Upon completion of the earthmoving activities, the topsoil shall be redistributed on the lot.

2. The removal of other natural resources shall be permitted only when specifically permitted in a zoning district, except as follows:
 - a. As part of construction activities.
 - b. In connection with normal lawn preparation and maintenance.
 - c. In farming operations, provided sound soil conservation practices are observed.

Section 643. RIPARIAN CORRIDOR OVERLAY DISTRICT

Section 644. SPECIFIC INTENT.

1. The purposes of the Riparian Corridor Overlay District are to:
 - a. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses through subsurface and surface flow pathways through scientifically proven natural processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, sheet flow, and stabilizing concentrated flows
 - b. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
 - c. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
 - d. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, including the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Berks County Conservation District.
 - e. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
 - f. Work with other districts and ordinances that regulate the use of floodplains, steep slopes, and other environmentally sensitive areas to minimize hazards to life, property, and riparian features.

- g. Recognize that natural features contribute to the welfare and quality of life of the township's residents.
 - h. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.
2. General Corridor Management. The following management practices shall be implemented in the Riparian Corridor Overlay District:
- a. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.
 - b. Existing woody and other vegetation shall be preserved to the greatest extent possible.
 - c. Fallen branches and other organic material shall be allowed to remain where they have fallen, provided that they do not create a hazard.
 - d. Stream crossings shall be constructed at a 90-degree angle to the stream.
 - e. Streambanks shall be stabilized in accordance with Pennsylvania Stormwater Best Management Practices Manual.
 - f. Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.
 - g. Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.
3. Definition, Establishment, and Width Determination of the District
- a. Definition. The Riparian Corridor Overlay District is an overlay district to consist of trees and other vegetation adjacent to streams, ponds, and wetlands that forms a transition area between the aquatic and terrestrial environment. The corridor is designed to separate more intensive land uses from sensitive water resources.
 - b. Establishment
 - i. The Riparian Corridor Overlay District applies to the land adjacent to following water resources:
 - (1) Perennial Streams. All naturally occurring streams that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to:

- (a) Perennial streams identified in the most recent Soil Survey of Berks County
 - (b) Perennial streams identified on United States Geological Survey Maps (U.S.G.S.).
 - (2) Intermittent Streams. All intermittent streams otherwise identified in the most recent Soil Survey of Berks County, or identified on plans submitted by applicants.
 - (3) Other Streams. Any other intermittent or perennial stream with an upstream drainage area of 75 acres or more, measured from where the stream exits the applicant's site.
 - (4) Wetlands and Ponds greater than 5,000 square feet in area.
- ii. The District shall consist of two zones designated as Zone 1 and Zone 2.
- (1) Zone 1: This zone shall begin at each edge of any identified watercourse and shall occupy a margin of land on each side, each with a minimum width of 25 feet. The width of such margin shall be measured horizontally on a line perpendicular to the stream edge, stream centerline, or wetland or pond edge, as defined in Section 4 below.
 - (a) Where slopes in excess of 25% are located within and extend beyond 25 feet of a stream, wetland, or pond, Zone 1 shall extend to include the entirety of these slopes up to a maximum of 100 feet on either side of the stream, wetland, or pond.
 - (2) Zone 2: This zone shall begin at the outer edge of Zone 1 and extend an additional 75 feet. Where Zone 1 has been adjusted to a width greater than 25 feet, the width of Zone 2 shall be adjusted so that the total corridor width (Zones 1 and 2) shall not exceed 100 feet on each side except as follows:
 - (a) Where the 100-year floodplain extends greater than 100 feet from the stream, Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the 100-year floodplain.
 - (3) The width and applicable regulations of the Riparian Corridor Overlay District shall be as follows, consistent with the standards for Zones 1 and 2.
 - (a) For all streams, both Zones 1 and 2 shall apply.
 - (b) For wetlands and ponds, only Zone 1 shall apply.

Regulated water bodies and zone width. This table is intended as a reference convenience. In the event of any conflict or ambiguity, the ordinance text shall prevail.

Regulated Water Body	Zone 1 Width	Zone 2 Width from Edge of Zone 1	Total Corridor Width (each side)
Stream	25'	75'	100'
Pond or wetland	25'	Not required	25'
Stream with slopes >25%	25' and extent of slopes to 100'	0 – 75'	100'
Pond or wetland with slopes >25%	25' and extent of slopes to 100'	Not required	25' – 100'
Stream within a floodplain	25'	100' and extent of floodplain	100' and extent of floodplain

(4) Width determination of the Riparian Corridor Overlay District shall be measured from the edge or centerline as follows:

- (a) Perennial Streams: from each defined edge of the stream at bank full flow.
- (b) Intermittent and Other Streams: from the centerline of the stream.
- (c) Wetlands and Ponds: from the edge of the wetland or pond. For wetlands at the edge of a pond, the measurement shall be made from the wetland edge.

Section 644.a PERMITTED USES

1. Zone 1

a. Uses Permitted by Right.

- i. Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, and passive areas of public or private parklands.
- ii. Streambank stabilization that follows the guidelines and principles of the Pennsylvania Stormwater Best Management Practices Manual.
- iii. Regulated activities permitted by the Commonwealth, such as corridor crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines.
- iv. Driveway crossings that serve not more than two single-family detached dwelling units, provided the requirements of Section 647 are satisfied. Zone 1 crossings shall be separated by a minimum of 1,000 feet of buffer length.
- v. Reforestation when done in compliance with a forest management plan prepared by a professional forester.

b. Uses Permitted by Conditional Use.

- i. Sustained yield harvesting of trees when removal is consistent with a long-term forest management plan prepared by a professional forester.
 - ii. Driveways other than those permitted in 644.1.a.
2. Zone 2. No more than 20% of a Zone 2 riparian buffer shall be regraded, filled, built upon, or otherwise altered or disturbed.

a. Uses Permitted By Right.

- i. Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, passive areas of public or private parklands, and recreational trails conducted in compliance with methods prescribed in the Pennsylvania Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 2000, as amended.
- ii. Reforestation when done in compliance with a forest management plan prepared by a professional forester.
- iii. Regulated activities permitted by the Commonwealth, such as corridor crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines.
- iv. No more than one half the depth of any minimum required front, side, or rear yard as required by the underlying zoning district.
- v. Agricultural uses existing at the time of adoption of this ordinance in compliance with methods prescribed in the Pennsylvania Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 2000, as amended.
- vi. Driveway crossings that serve not more than two single-family detached dwelling units, provided the requirements of Section 647 are satisfied. Corridor crossings shall be separated by a minimum of 1,000 feet of buffer length.

b. Uses Permitted by Conditional Use.

- i. Agricultural uses not existing at the time of adoption of this ordinance in compliance with methods prescribed in the Pennsylvania Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 2000, as amended.
- ii. Centralized sewer and/or water lines and public utility transmission lines running along the corridor, provided that any disturbance is, at a minimum, offset by corridor improvements. These lines shall be located as far from Zone 1 as practical.

- iii. Sustained yield harvesting of trees when removal is consistent with a long-term forest management plan prepared by a professional forester.
 - iv. Passive use areas such as camps, campgrounds, picnic areas, and golf courses and active recreation areas such as ballfields, playgrounds, and courts. These uses shall be designed in a manner that shall not create concentrated stormwater flow.
 - v. Stormwater management basins, provided the basin is located a minimum of 50 feet from the defined edge of identified streams, wetlands, or ponds and is naturalized to treat water quality.
 - vi. Driveways other than those permitted in 644.2.a.
 - vii. Roadways.
3. Uses and Activities Prohibited. Any use or activity not authorized within Section 632 shall be prohibited within the Riparian Corridor Overlay District and the following activities and facilities are specifically prohibited:
- a. Storage of any hazardous or noxious materials.
 - b. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Berks County Conservation District.
 - c. Roads, except where permitted as corridor crossings in compliance with Sections 632.
 - d. Motor or wheeled vehicle traffic except for agricultural uses and driveways as permitted in Section 632.
 - e. Parking lots.
 - f. Any type of permanent structure, except structures needed for a use permitted in Section 632.
 - g. Sewage disposal areas.
 - h. Sod farming.
 - i. Other activities not specifically listed in Section 632 which expose soils, alter topography, and/or alter vegetation, except for removal or a safety hazard, diseased trees, or invasive vegetation or as permitted in an approved Corridor Management Plan.

Section 645.

NON-CONFORMING STRUCTURES AND USES

Nonconforming structures and uses of land within the Riparian Corridor Overlay District shall be regulated under the provisions of Article VII. The following additional regulations also shall apply:

1. Existing nonconforming structures or uses within Zones 1 or 2 that are not permitted under Section 645 may be continued but shall not have the existing building footprint or uses expanded or enlarged within or into Zones 1 or 2.
2. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption of use shall be permitted that is more detrimental to the Riparian Corridor Overlay District, as measured against the purposes of this district under Section 644 than the existing or former nonconforming use.
3. The one year time frame shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation, as identified in an approved Conservation Management Plan.

Section 646. BOUNDARY INTERPRETATION AND APPEALS PROCEDURE

1. When an applicant disputes the Zone 1 and/or 2 boundaries of the Riparian Corridor Overlay District or the defined edge of a stream, pond, or wetland, the applicant shall submit evidence to the township that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.
2. The Township Engineer, and/or other advisors selected by the Governing body shall evaluate all material submitted and provide a written determination within 45 days to the Governing body, Municipal Planning Commission, and landowner or applicant.
3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article IX, Zoning Hearing Board, of this ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 647. CORRIDOR MANAGEMENT PLAN

1. Applicability. The Supervisors shall require the applicant to develop and implement a Corridor Management Plan using the standards set forth in this section for the following actions:
 - a. When a subdivision or land development is proposed where there is no established or functioning vegetated buffer.
 - b. When conditional use approval is required by Section 644.

- c. When required by Section 644.
 - d. When the Riparian Corridor Overlay District is disturbed, cleared, or developed in violation of the standards of this Ordinance.
2. The Corridor Management Plan shall be certified by experts qualified in riparian corridor management (such as a registered landscape architect or urban forester).
 3. The Corridor Management Plan shall contain the following information:
 - a. Management goals for the entire tract and long-range goals for the riparian corridor.
 - b. Proposed activities, including a plan drawn to scale that shows all proposed activities within and adjacent to the corridor. The plan shall differentiate areas that shall be disturbed from those that shall be protected and preserved.
 - c. Proposed management, including an explanation of how the goals shall be met given the proposed activities. The plan shall specify when the construction, planting, or other activities are to begin and end and shall address long and short-term maintenance, mitigation, and improvement activities necessary for preservation of the corridor, including application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, farming practices, and other related functions.
 - d. State or federal permits applied for that are pertinent to stream and wetland encroachment.
 - e. An inventory of vegetative cover conditions within the Overlay District according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees, and woodlands. Vegetative types shall be described by plant community, relative age, and condition.
 - f. Planting plan.
 - (i) Vegetation in the Corridor Management Plan shall be selected from the list of species in Appendix VII of the Subdivision and Land Development. The Supervisors may require species suitability to be verified by qualified experts.
 - (ii) Canopy tree and shrub plantings shall be located along the streambank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted streambank restoration practices.
 - (iii) New canopy trees shall be planted at a minimum rate of 15 feet on center or one tree per 225 square feet in staggered naturalized rows or an equivalent informal

arrangement within Zone 1. One new shrub or understory tree shall be planted for every 4 new trees required for riparian corridor revegetation.

- (iv) New trees shall be a variety of sizes ranging from a minimum 4 to 5 foot branched whip to an approximate 1½ inch caliper balled and burlapped planting stock.
 - (v) Adequate herbivory protection shall be installed in the form of tree tubes or other effective method.
 - (vi) Areas that cannot be revegetated shall be restored using management practices accepted by experts qualified in riparian corridor management.
- g. Mitigation Measures for Zone 1. Disturbance of vegetation within Zone 1 of the Riparian Corridor Overlay District shall be mitigated by at least one of the following measures:
- i) Increasing the width of Zone 1. The width of Zone 1 is increased an additional 10 feet on each side for 20 feet on either side of the disturbance.
 - ii) Converting the corridor to a more effective landscape. The existing landscape in both zones is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: woodland, meadow, shrub, old-field, lawn.
 - iii) Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, both zones are planted with three distinct layers of vegetation: canopy, understory, and herbaceous. All three layers shall be planted and maintained at a density sufficient to create a fully-functioning, naturalized riparian corridor.

Section 648. GENERAL PROVISIONS

In the event that the provisions of this Article and the provisions of other applicable Municipal ordinance standards are in conflict, the more restrictive provisions shall apply.

ARTICLE VI.3

AGRICULTURAL REGULATIONS

Section 650. STANDARDS FOR SINGLE FAMILY DETACHED DWELLING
LOTS IN A, P, L and H DISTRICTS

1. The location of any dwellings and accessory buildings shall not substantially interfere with a farm access road or livestock path;
2. The location of any dwellings and accessory buildings shall not be located within 200 feet of any farm structure presently used for housing farm animals;
3. The lots shall be enclosed by adequate fencing to provide sufficient protection against trespassing by farm animals;
4. The lot width of the proposed residential lot shall not be more than one-third of the highway frontage of any side of a farm property being removed from farm use, unless one satisfactory access road serves the remaining rear of the farm;
5. The proposed dwelling shall be set back a minimum of 50 feet from the centerline of a farm access lane;
6. The location of any sewage disposal system shall be at least 200 feet from any farm well;
7. The location of any well shall not reduce the supply of water available for farm use.

Section 651. FARM RELATED BUSINESS REGULATIONS

Within the Agricultural District, a farm-related business may be a permitted Use By Right. The proposed farm occupation is subject to the following standards:

1. For the purposes of this Ordinance, a farm-related business may involve any one of a wide range of uses, as listed below, so long as the use is compatible with the primary agricultural use of the land. The applicant must demonstrate that the farm business is compatible with the rural setting and will not create nuisances for nearby residences and agriculture production activities. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services necessary to local farming and the processing and distribution of goods produced on the farm. Additionally, farm-related businesses are subject to the following standards.

For the purposes of this Ordinance, farm-related businesses may involve the following types of uses.

- a. Facilities for the manufacturing, warehousing, sales, repair and service of agricultural equipment, vehicles (including carriages and buggies), or supplies;
 - b. Blacksmith shops, farrier, harness making;
 - c. Butcher shops;
 - d. Grain mills;
 - e. Processing of locally produced agricultural products;
 - f. Feed supply, fuel and fertilizer distributors;
 - g. Other uses similar in character to those listed above.
2. No more than a total of 3 full time non-resident employees of the farm parcel shall be employed by the farm business.
 3. The farm occupation shall occupy an area no greater than a maximum of 4,000 square feet of gross floor area.
 4. The maximum acreage devoted to a farm business (including the structure, parking, storage, and driveway if separate) shall be no more than 3 contiguous acres.
 5. Where practicable, farm businesses shall be conducted within an existing farm building.
 6. The maximum lot coverage of a farm-related business shall be no more than 40% of the area devoted to the farm related business use, but in no event greater than 1.2 acres.
 7. Any new building constructed for use by the farm business shall be:
 - a. located at least 100 feet from rear and side property lines,
 - b. meet current front setback requirements,
 - c. be located within 100 feet of existing farm buildings unless a Special Exception is granted.
 8. Off-street parking shall be provided per Section 609 of this Ordinance.

9. Any outdoor storage of supplies, materials or products shall be located no closer than fifty (50) feet from property lines. Such outdoor storage shall also have an evergreen plant screen from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
10. One (1) outdoor sign shall be permitted for a farm occupation. Such signs shall not exceed fifteen (15) square feet in total area.
11. The length of any access drive shall be sufficient to accommodate delivery and customer vehicles.
12. Any building constructed for use by the farm-related business shall be of a type so that it can be converted to agricultural use in the event the farm related business is discontinued (e.g. barn or shed).
13. Composting and other farm waste storage facilities shall not be permitted within two hundred (200) feet of any property line.
14. Vegetative screening must be provided when a farm-related business abuts any property used principally for residential purposes.
15. No construction or other improvements required to support a farm-related business will be permitted except pursuant to an approved Land Development Plan.

Section 652. STANDARDS FOR MUSHROOM PRODUCTION

The production, processing or cultivation of mushrooms shall be construed as an Intensive Agricultural activity and will be considered a Use Permitted by Right based upon the following:

1. Mushroom houses and complexes will be allowed as a Use By Right up to a cumulative area of one hundred thousand (100,000) square feet total gross building space for growing. Any use including more than one hundred thousand (100,000) square feet of mushroom growing space will be permitted only by special exception.
2. Mushroom houses as allowed in (a) above will be operated under the guidelines as set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community" (Department of Environmental Protection, document #254-5401-001, December, 1997), which is incorporated herein by reference thereto.
3. Mushroom industry housing for workers will not be allowed except as it relates to single-family residences under this Ordinance.

Section 653. STANDARDS FOR NURSERIES, GREENHOUSES, AND TREE FARMS

1. Greenhouses will be permitted Use by Right up to a maximum of 50,000 sq. ft. on a minimum of 25 acres. Higher levels of production require a special exception.
2. When direct sales to the general public are part of such operations, the farm-related business standards shall apply.
3. An off-street parking and loading area plan shall be provided at the time of application to allow maneuverability, parking, and loading of no more than two delivery, supply trucks, or other similar vehicles. Higher levels of loading traffic shall require a Special Exception.
4. The area of any greenhouses shall be included in calculating the impervious coverage of the tract whether or not the cover material is permanent.
5. Off-street parking shall be provided per Section 609 of this Ordinance.

Section 654. STANDARDS FOR ROADSIDE STANDS

1. The area of where the products are displayed or sold shall not exceed eight hundred (800) square feet.
2. The stand shall be at least fifty (50) feet from the center of a road and seventy-five (75) feet from the center of an intersection.
3. The stand shall be portable and shall be removed during seasons when products are not being offered for sale; except that, a stand may remain in place throughout the year if it is located a minimum of one hundred (100) feet from the center of any road and one hundred twenty-five (125) feet from the center of any intersection.
4. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Section 609 of this Ordinance. Parking shall be provided for a minimum of six (6) vehicles.
5. Fifty (50) percent of the products sold must be grown from seed or seedlings on the farm on which the roadside stand is located.
6. Applicant must submit a sketch to the Township Zoning Officer indicating the location of the roadside stand for verification of suitability of the proposed location. Once approved, a roadside stand need not be re-approved for reestablishment of the stand at the same location in successive years.

Section 655.

GENERAL AGRICULTURAL STANDARDS

1. Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities and uses as described below are permitted by right in the Agricultural District.
2. The growing of crops, trees, nursery stock, flowers, and other agriculture plants shall be considered general agriculture.
3. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals shall be considered general agriculture where the density is not greater than that listed on the following chart:

<u>Min. Area in Contiguous Acres</u>	<u>Max. Animal Units</u>
< 2	0.0
2 to 5	0.5
5 and over	2.0

4. No farm building or other accessory outbuilding shall be constructed closer than 200 feet to any residence on an adjacent property, or 50 feet from a property line, whichever is greater.

Section 656.

INTENSIVE AGRICULTURAL STANDARDS

1. Unless specifically stipulated within this Zoning Ordinance, Intensive Agricultural Uses are a permitted use by right within the Agricultural District. Any intensive agricultural use established after the effective date of this Ordinance shall be located at least five hundred (500) feet from the boundary of any other zoning district.
2. Agricultural activities that exceed the standards and provisions specified under Section 655 (General Agricultural Standards) shall be construed as Intensive Agricultural Uses.
3. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed Intensive Agricultural uses. The approved Nutrient Management Plan shall be submitted to the township with the building application.
4. A Stormwater Management Plan shall be prepared pursuant to the SALDO and approved by the township engineer for all proposed Intensive Agricultural uses.
5. A Conservation Plan shall be prepared and approved by the Soil Conservation District for all proposed Intensive Agricultural uses. The approved Conservation Plan shall be submitted to the Township with the building application.

6. A Landscaping Plan shall be prepared for all proposed Intensive Agricultural uses, as defined by the Zoning Ordinance and may include evergreen barriers that will aid in visibility, sound, and odor protection. The plan is to be submitted with building plans.
7. A site plan for buildings, manure structures, etc., to include sizes of structures, prevailing winds, distance to neighbor's buildings, boundaries, vegetation shall be submitted for review by the zoning officer when application for building permit is submitted.
8. Solid and liquid wastes shall be disposed of in accordance with a plan designed to avoid creating insect, rodent or public nuisance problems. The plan for such disposal shall be prepared and submitted to the Township. In the case of poultry layer and pullet operations, the plan shall include best management practices for fly control.
9. The applicant shall show that they can meet the standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity. These shall include "Best Practices for Environmental Protection in the Mushroom Community," "The Environmental Standards of Production for Large Pork Producers in Pennsylvania" and others as they are developed.
10. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the applicable state and/or federal regulatory agencies.
11. Any and all Intensive Agricultural uses and activities shall be submitted for review by the Berks County Cooperative Extension. Applicant must submit any review letter received from the Extension at the time building plans are submitted.
12. The applicant shall prepare and reasonably comply with an odor abatement plan. Recognition must be given that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan of the applicant shall show that such steps as may be practicable to abate odors or to allow odors at times that there would be minimal interference with neighbors will be taken.
13. No Intensive Agricultural structures can be built in the one hundred year flood plain.

Section 657.

DEVELOPMENT PERMITTED WITHIN THE AGRICULTURAL DISTRICT

1. Single-family Detached Residential Development shall be permitted in the Agricultural District, subject to the development limitations and controls specified within this Section of the Ordinance.
2. The applicant shall show that:
 - a. Any residential lots are located on the least productive soils of the parent farm.
 - b. Any proposed lots shall be "clustered" or "grouped" in such a manner as to preserve the greatest extent of productive and valuable farm land as possible.
 - c. The total number of single-family dwelling units allowed in the Agricultural District in accordance with the size of tracts of land existing on the effective date of this Ordinance is as follows:

<u>Size of Original Tract of Land</u>	<u>Maximum Number of Dwelling Units</u>
≥ 1 to < 5 acres	1
≥ 5 to < 19 acres	2
≥ 20 to < 49 acres	3
≥ 50 to < 99 acres	4
≥ 100 to < 149 acres	5
≥ 150 to < 199 acres	6
≥ 200 to < 299 acres	7
≥ 300 to < 399 acres	8
≥ 400 to < 499 acres	9
500 or more acres	10

- d. All existing single-family residential dwellings and/or lots approved prior to the effective date of this Ordinance shall be permitted in addition to the maximum number of dwellings specified under this Section.
- e. An applicant submitting a subdivision and land development plan will be required to specify on the plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling rights his tract may have.
- f. Subdivision, land development, and building permit applications will include a conspicuous Agricultural Use Notification as follows: "All lands within the Agricultural District in the Zoning Ordinance are located in an area where land is used for commercial agricultural production.

Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and uses of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

Section 658.

STANDARDS FOR ANIMAL HOSPITALS, VETERINARY FACILITIES, AND KENNELS

1. All buildings in which animals are housed shall be located at least two hundred (200) feet from all lot lines and the center of any existing road.
2. All kennels shall comply with all applicable State codes and regulations.
3. No kennel shall be located on less than four (4) acres.
4. Buildings shall be adequately sound-proofed so that sound generated within the buildings cannot be perceived at the lot lines.
5. Outdoor pens, feed yards, and runs shall be:
 - a. Three Hundred (300) feet from any residential lot line.
 - b. One Hundred (100) feet from the existing center of any road.
6. A plan meeting the requirements for landscaping and vegetative buffering as in Section 604 of this Ordinance is required.
7. Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than one-half (0.5) foot-candles beyond the lot boundaries.
8. No dogs shall be permitted outdoors between the hours of eight o'clock (8:00) p.m. and eight o'clock (8:00) a.m.

Section 659.

STANDARDS FOR STOCKYARDS

1. An off-street parking and loading area plan shall be provided at the time of application. This plan will allow maneuverability, parking and loading of trucks, trailers, or other vehicles.
2. Off-street parking shall be provided per Section 609 in this Ordinance.
3. Slaughter activities shall not be permitted.
4. If any stockyard presents a fire hazard, emits smoke, dust or other air pollutants, noise, light/glare, or creates a nuisance as a result of the operation, conditions may be attached as deemed necessary to adequately control and mitigate the potentially detrimental effects that the activity may have on the surrounding area.
5. Waste storage shall not be permitted within three hundred (300) feet of any property line.
6. Any area be utilized for animal holding or grazing purposes shall be fenced with a minimum of five (5) strands of high tensile wire. Fences shall be located outside of the legal right-of-way of any street.
7. Solid and liquid wastes shall be disposed of in such a manner that insect or rodent problems are avoided and shall be consistent with good practices of nutrient management planning.
8. A plan for landscaping and vegetative buffering is required.
9. Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than one-half (0.5) foot-candles beyond the lot boundaries.

ARTICLE VII

NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS

Section 700. STATEMENT OF INTENT

1. Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.

2. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure, or land use for which a zoning permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the activity authorized by the zoning permit is begun, in the opinion of the permit officer, within six months of the issuance of the permit.

Section 701. NON-CONFORMING LOTS OF RECORD

1. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the Zoning District shall be met and further subject to Section 701.2; 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 Ordinance, no provision in this Ordinance 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.

2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage, and open space requirements of the district are met; provided, however, that if two or more lots, combination of lots, or portions with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 702. REGISTRATION

After the enactment of this Zoning Ordinance, the Zoning Officer may assemble and maintain a listing of non-conforming uses and structures if authorized to do so by the Township Supervisors.

Section 703. ABANDONMENT

A non-conforming use may not be re-established if the use is discontinued for a continuous eighteen month period, unless prior to or during that eighteen month period the owner informs the Township of his intention not to abandon the use. Notification shall be by filing a Statement of Intent to continue with the Township Zoning Officer. Vacation of land or buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

If after filing a Statement of Intent to continue the non-conforming use is not commenced within eighteen months from the end of the original eighteen month period, the non-conforming use shall be considered abandoned and shall not be re-established.

Section 704. CHANGE

A non-conforming use may be changed to a conforming use by right. A non-conforming use, if changed to a conforming use, shall not be changed back to a non-conforming use. A non-conforming use shall not be changed to any other non-conforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, electric radiation, emission, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, appearance and waste generation than the existing use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a Special Exception.

Section 705. EXPANSION

1. A non-conforming use, building, or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional structures, uses, or buildings erected or established in connection with an existing non-conforming use shall meet all the Area, Yard, and Height Regulations of the applicable zoning district.
3. A non-conforming use shall not be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board.

4. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any applicable Area, Yard, and Height Regulation imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is non-conforming as to a yard requirement may have repairs, improvements, maintenance, modifications, and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification, or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of the Ordinance.
5. Future expansion of that portion of a non-conforming use carried on outside a building or structure shall be in accordance with all applicable Area, Yard, and Height Regulations of this Ordinance. A non-conforming use may be expanded within a building containing that non-conforming use at the effective date of this Ordinance, provided that the non-conforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Ordinance. A non-conforming use may also be expanded into a new building or extension of an existing building containing the use.
6. Non-conforming signs shall not be expanded.

Section 706. MOVEMENT AND REPLACEMENT

1. A building or structure containing a non-conforming use or a non-conforming building or structure containing a non-conforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same non-conforming use. Any subsequent building or structure shall comply with all requirements of this Ordinance. New construction shall begin within eighteen months of the date of destruction and be carried to completion without interruption.
2. A non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within eighteen months of the date of destruction and be carried to completion without interruption.
3. Any non-conforming building or structure or building or structure containing a non-conforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

DAMAGE OR DESTRUCTION

1. Any non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same non-conforming use. Any subsequent building or structure shall comply with all requirements of this Ordinance. New construction shall begin within eighteen months of the date of destruction and be carried to completion without interruption.
2. A non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within eighteen months of the date of destruction and be carried to completion without interruption.
3. Any non-conforming building or structure containing a non-conforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 800. ZONING OFFICER

1. Appointment

A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

2. Duties and Powers

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The zoning Officer's duties shall include, but are not limited to, the following:

- a. Receive applications for zoning permits and issue zoning permits as set forth in this Ordinance.
- b. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
- c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.
- d. Issue permits for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
- e. Issue permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Township Sewage Enforcement Officer.

- f. Issue permits for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.
- g. 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.
- h. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
- i. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- j. Identify and register non-conforming structures and uses created as a result of the adoption of this Ordinance and the official Zoning Map, or created as a result of amendments thereto.
- k. Submit a monthly report of his activities to the Township Supervisors and Township Planning Commission.
- l. When directed by the Township Supervisors, send enforcement notices as provided in the Pennsylvania Municipalities Planning Code, as amended.
- m. 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.

Section 801. ZONING PERMIT

1. Requirements

No building, structure, or sign, except signs permitted under Sections 606.2a, 606.2c, 606.2d, 606.2g, 606.2j and 606.2k of this Ordinance and temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used or changed, without a permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction.

2. Application Procedures

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

- a. A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.
- b. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width and design of all signs.
- c. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of apartment buildings and townhouses, a breakdown of units by number of bedrooms shall be given. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.
- d. 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.
- e. The location of all utility lines, the method of proposed water supply and sewage disposal, and the location of any on-lot facilities.
- f. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance, such as a grading plan in accordance with Section 624.

3. Approval or Disapproval

Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning ordinance and all other Township Ordinances. Within thirty (30) days from the day he

receives the application, the Zoning Officer shall either approve or disapprove the application and return one copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer.

If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

4. Issuance and Posting of Permit

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire two (2) years from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of one year. A Zoning Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the permit.

5. Rights of Permit Holders

The permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

Section 802. CERTIFICATE OF USE AND OCCUPANCY

1. Requirements

It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a zoning permit is required until a Certificate of Use and Occupancy has been issued by the Building Code Officer. The Building Code Officer shall not issue a Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and ordinances of the Township have been complied with.

2. Issuance

Upon the receipt of written notification that the work for which a Building Permit has been issued has been completed, the Building Code Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Building Code Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Building Code Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal.

For uses for which performance standards are imposed by this Ordinance, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon reinspection by the zoning Officer, it is determined that the use is in compliance with all performance standards. After such reinspection, the Building Code Officer shall notify the applicant that the user is in compliance with the performance standards and that the Certificate of Use and Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

3. Temporary Certificate of Use and Occupancy

Upon request of the holder of a building permit, the Building Code Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land portion thereof before the entire work covered by the permit shall have been completed. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

The Building Code Officer may also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites, and for the use of land for religious and other public and semi-public purposes or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary certificates shall be for the period of time to be determined by the Township Supervisors at the time of application, but in no case shall any certificates, except those for uses on construction sites, be issued for more than six (6) months.

Section 803. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish, by resolution, a schedule of fees and charges for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

Section 804. AMENDMENTS

The provisions of this Ordinance and the Boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changes by the Township Supervisors.

1. Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

- a. Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing the Township Supervisors hold on the amendment to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing.
- b. All proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
- c. Curative Amendments - The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code. A curative amendment shall be referred to the County and the Township Planning Commissions as provided in this section and notice of any hearing thereon shall be given as provided by law.

2. 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:

Agricultural Impact - The acreage and productivity rating of soils to be taken out of production or agricultural use.

Environmental Impact - The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water run-off, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation, and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sewer, water, sanitation, and road maintenance services.

3. Public Hearing

The Township Supervisors shall hold a public hearing before voting on the enactment of any amendment. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real 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. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

Section 805. ENFORCEMENT NOTICE

1. If it appears to the Township Supervisors that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
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 Ordinance.
 - 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 Ordinance.
 - 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.

Section 806.

ENFORCEMENT REMEDIES

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor 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 district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there has been a violation and further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

Section 807. APPEALS

Proceedings for securing review of any ordinance or of any decision, determination or order of the Township Supervisors, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Section 808. CONDITIONAL USE PROCEDURES

1. Application

Four copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application in Section 801 of this Ordinance and any other information necessary to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

2. Review

After receiving an application, the Supervisors shall refer one copy of the application to the Township Planning Commission for its review and one copy to the Township Zoning Officer for his review.

The application shall be reviewed at one or more advertised meetings of the Township Supervisors. The Supervisors shall conduct hearings in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended. The Supervisors shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Township Secretary.

The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

3. Standards

Conditional uses shall meet the specific standards established for each use by this Ordinance and all other applicable zoning district requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

- a. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
- b. Services and utilities shall be made available to adequately service the proposed use.

- c. The use will not generate traffic such that hazardous or unduly congested conditions will result.
- d. The use is appropriate to the site in question.
- e. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in Section 808.3 and those specified elsewhere in this Ordinance for the use in question will be met.

The Township Supervisors may impose such additional safeguards as are necessary to protect the public health, safety, and welfare.

ARTICLE IX

ZONING HEARING BOARD

Section 900. CREATION AND ORGANIZATION

1. Creation of Board

The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by resolution of the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said 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. Organization

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary 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 or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

3. Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

4. Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Secretary of the Township Supervisors and the Secretary of the Township Planning Commission. Such records shall be the property of the Township. The Board shall submit a monthly report of its activities to the Township Supervisors and the Township Planning Commission.

Section 901. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended, and the rules of the Board.

Section 902. FUNCTIONS OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have the following functions:

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
2. The jurisdiction for the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in said code.
3. Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.
4. Variances

To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application 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 condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
- 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 Zoning Ordinance 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 appellant;

- d. 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;
- e. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

5. Special Exceptions

To issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.
- b. Such Special Exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- c. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- d. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- e. Services and utilities shall be made available to adequately service the proposed use.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

6. To exercise any other power specifically granted to the Board under the terms of this Ordinance.

Section 903. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

The Board shall act in strict accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board.

Section 904. 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 eighteen (18) months from the date of authorization of the special Exception or Variance.

Section 905. REVIEW OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES BY THE TOWNSHIP PLANNING COMMISSION AND TOWNSHIP SUPERVISORS

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for review and comment prior to the hearing held by the Board on such application.

ARTICLE X

MISCELLANEOUS

Section 1000. **PUBLIC UTILITIES CORPORATION EXEMPTED**

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall after a public hearing, decide that the present or proposed location for the building in question is reasonably necessary for the convenience or welfare of the public. 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. The exemption provided for in this Section shall not apply to Wireless Communications Facilities regulated under the 1996 Telecommunications Act.

Ord. 2008-05, 10/27/2008, as amended by Ord 2017-03, 4/24/2017, §20.

Section 1001. **SEVERABILITY**

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court or competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 1002. **REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinance inconsistent herewith, including The Penn Township Zoning Ordinance of 1984, together with the amendments and supplements thereto are hereby repealed to the extent necessary to give this Ordinance full force and effect, except as may be noted elsewhere in this Ordinance.

Section 1003. **EFFECTIVE DATE**

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

Duly enacted by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, this 27th day of October, 2008, in lawful session duly assembled.

TOWNSHIP OF PENN

By: _____
Supervisor

Supervisor

Supervisor

Attest: _____

**ARTICLE XI
ALTERNATIVE ENERGY**

**PART 1
Wind Energy**

STAND ALONE WIND TURBINES AND WIND ENERGY FACILITIES

Section 1101. TITLE

This Part shall be known as the Stand Alone Wind Turbines and Wind Energy Facilities, Part 1, Article XI of the Penn Township Zoning Ordinance.

Section 1102. PURPOSE

The purpose of this Part is to provide for the construction, operation and decommissioning of Wind Turbines and Wind Energy Facilities in Penn Township, subject to reasonable conditions that will protect the public health, safety and welfare.

Section 1103. DEFINITIONS

Applicant – The person or entity filing an application under this Ordinance.

Facility Owner – The entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

Hub Height – The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Occupied Building – A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the special exception application is submitted.

Operator – The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Ordinance – The Penn Township Zoning Ordinance of 2008, as amended.

Non-Participating Landowner – Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Property Owner – The owner of property on which the Wind Turbine is located.

Turbine Height – The distance measured from the surface of the ground elevation directly beneath the turbine to the highest point of the turbine rotor plane.

Wind Turbine – A wind energy conversion system, also referred to as a windmill, that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Wind Energy Facility – An electric generating facility, whose main purpose is to commercially supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Section 1104. APPLICABILITY

1. This Ordinance applies to all private, non-commercial Wind Turbines and Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.²
2. Wind Turbines and Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any physical modification to an existing Wind Turbine or Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require the approval of a special exception under this Ordinance.
3. In addition to this Article XI, all Wind Turbines and Wind Energy Facilities in Penn Township shall also be regulated by other applicable Articles of the Penn Township Zoning Ordinance, including but not limited to Article VI.1, General Regulations; Article VIII, Administration and Enforcement; and Article IX, Zoning Hearing Board.

Section 1105. SPECIAL EXCEPTION REQUIREMENT

1. Except as provided in paragraph 2 of this section, no Wind Turbine, Wind Energy Facility, or addition of a Wind Turbine or Wind Energy Facility to an existing property with a Wind Turbine or Wind Energy Facility, shall be constructed or located within Penn Township unless a special exception has been approved by the Zoning Hearing Board under this Ordinance.
2. A Wind Turbine, or the addition of a Wind Turbine to an existing property with a Wind Turbine, shall be permitted without the requirement for a special exception to be applied for and approved, where such use would be an accessory use to a use permitted by right or by special exception in the district where the use is located and where the Wind Turbine would comply with all of the substantive requirements of this Article XI (other than the requirement to apply for and receive approval of a special exception), and the turbine height will not exceed forty feet (40'). Furthermore, no zoning permit shall be required for the installation of one (1) Wind Turbine per parcel with a turbine diameter of less than thirty-six inches (36") and located no more than ten feet (10') above the ground elevation or sixty inches (60") above highest point of an existing structure to which the Wind Turbine is attached.
3. The special exception application shall be accompanied with a fee in the amount set by the Board of Supervisors from time to time.
4. Any physical modification to an existing and permitted Wind Turbine or Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a new special exception application under this Ordinance. Like-kind replacements shall not require a new special exception application.

² Editor's Note: Ordinance 2009-___, effective ____.

Section 1106. SPECIAL EXCEPTION APPLICATION

1. The special exception application shall demonstrate that the proposed Wind Turbine or Wind Energy Facility will comply with this Ordinance.
2. Among other things, the application shall contain the following:
 - a. A narrative describing the proposed Wind Turbine or Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Turbine or Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - b. An affidavit or similar evidence of intent from the property owner and any Facility Owner or Operator, to apply for necessary permits for construction and operation of the Wind Turbine or Wind Energy Facility.
 - c. Identification of the properties on which the proposed Wind Turbine or Wind Energy Facility will be located, and the properties adjacent to where the Wind Turbine or Wind Energy Facility will be located.
 - d. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Turbine or Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - e. Documents related to decommissioning including a schedule for decommissioning.
 - f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Zoning Officer to ensure compliance with this Ordinance, local, state and federal laws.

Section 1107. DESIGN AND INSTALLATION

1. Design Safety Certification: The design of the Wind Turbine or Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. In the case of Wind Energy Facilities, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Uniform Construction Code: To the extent applicable, Wind Turbines and Wind Energy Facilities shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry. In no instance

may the height of the Wind Turbine exceed two-hundred (200) feet from the ground elevation beneath the turbine.

3. Controls and Brakes: All Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

4. Electrical Components: All electrical components of the Wind Turbine or Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

5. Visual Appearance; Power Lines

a. Wind Turbines and Wind Energy Facilities shall be a non-obtrusive color such as white, off-white or gray.

b. Wind Turbines and Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

c. Wind Turbines and Wind Energy Facilities shall not display advertising, except for reasonable identification of the turbine manufacturer, owner, Facility Owner, and Operator.

d. On-site transmission and power lines between Wind Turbines, and between components of a Wind Energy Facility, shall, to the maximum extent practicable, be placed underground.

6. Warnings

a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet (10') from the ground.

7. Climb Prevention/Locks

a. Wind Turbines and Wind Energy Facilities shall not be climbable up to fifteen feet (15') above ground surface.

b. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

Section 1108. SETBACKS

1. Occupied Buildings

- a. Wind Turbines shall be set back from the nearest Occupied Building a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. These setback distances shall be measured from the center of the Wind Turbine base or nearest base ground surface to the nearest point on the foundation of the Occupied Building.
- b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base or nearest base ground surface to the nearest point on the foundation of the Occupied Building.
2. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base or nearest base ground surface.
3. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base or nearest base ground surface.
4. Utility Easements. All Wind Turbines shall be set back from the nearest utility easement, including gas lines and power lines, a distance of not less than 1.1 times the Turbine Height, as measured from the easement to the center of the Wind Turbine base or nearest base ground surface.
5. Private Streets and Right-Of-Way. All Wind Turbines shall be set back from the nearest private street and right-of-way used for access to easements a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest private street or right-of-way easement to the center of the Wind Turbine base or nearest base ground surface.

Section 1109. WAIVER OF SETBACKS

1. At the request of the applicant, the Zoning Hearing Board may grant partial waivers of the setback requirements under Sections 1108 (1)(b) (Occupied Buildings on Non-participating Landowner's property), 1108 (2) (Property Lines) and 1108 (3) (Public Roads) of this ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
2. The applicant shall submit a signed notarized document from the property owner(s) that they are in agreement with the applicant's request for a waiver of the setback requirements under Section 1108 (1)(b) and 1108 (2) of this Ordinance. This document shall stipulate that the property owner(s) know of the setback requirements required by this Ordinance, describes how the proposed Wind Turbine is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office for Berks County. The waiver shall describe the properties benefited and burdened, and advise all subsequent

purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

Section 1110. USE OF PUBLIC ROADS

1. The Applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation or maintenance of the Wind Turbine or Wind Energy Facility.
2. Penn Township's engineer or a qualified third party engineer hired by Penn Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. Penn Township may require the Applicant to bond the road in compliance with state regulations.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

Section 1111. LOCAL EMERGENCY SERVICES

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Turbine or Wind Energy Facility.

Section 1112. NOISE AND SHADOW FLICKER

1. Audible sound from a Wind Turbine or Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines or Wind Energy Facilities shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The owner, Facility Owner, and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

Section 1113. WAIVER OF NOISE AND SHADOW FLICKER PROVISIONS

1. At the request of the Applicant, the Zoning Hearing Board may grant partial waivers of the noise and shadow flicker requirements under Section 1112 (1) of this ordinance where it has

determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

2. The Applicant shall submit a signed notarized document from the property owner (s) that they are in agreement with the Applicant's request for a waiver of the noise and shadow flicker requirements under Section 1112 (1) of this Ordinance. This document shall stipulate that the property owner(s) know of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Turbine or Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.

3. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

Section 1114. SIGNAL INTERFERENCE

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Turbine or Wind Energy Facility.

Section 1115. LIABILITY INSURANCE

There shall be maintained a current general liability policy covering bodily injury and property damage in an amount acceptable to Penn Township. In the case of Wind Energy Facilities, there shall be maintained at least a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to Penn Township upon request.

Section 1116. DECOMMISSIONING

1. The Property Owner, Facility Owner, and Operator shall, at its expense, complete decommissioning of individual Wind Turbines and Wind Energy Facilities, within twelve (12) months after the end of the useful life of individual Wind Turbines and Wind Energy Facilities. A Wind Turbines and Wind Energy Facility will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six inches (36"), and any other associated facilities.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4. If the Property Owner, Facility Owner, or Operator, does not complete decommissioning within the periods prescribed by Section 1116 (1), (2) and (3), then Penn Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Penn Township shall constitute agreement

and consent of the parties to the agreement, their respective heirs, successors and assigns that Penn Township may take such action as necessary to implement the decommissioning plan.

5. As to Wind Energy Facilities, an independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to Penn Township after the first year of operation and every fifth year thereafter.

6. As to Wind Energy Facilities, the Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Zoning Officer.

7. As to Wind Energy Facilities, Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Penn Township.

8. As to Wind Energy Facilities, if the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 1116 (1), then the landowner shall have six (6) months to complete decommissioning.

Section 1117. PUBLIC INQUIRIES AND COMPLAINTS REGARDING WIND ENERGY FACILITIES

1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

PART 2
Hydropower

Section 1201. PURPOSE

The purpose of this Part is to provide protection for low-impact hydropower to all parcels in the Township so as to encourage its use through the following:

1. Conservation and beneficial management of water resources in a comprehensive and coordinated manner, so as to assure their continued availability and productivity;

2. Maximization of the public welfare and economic benefit to be derived from low-impact hydropower resources, by extending their availability throughout the Township;

3. Minimization of the potential for damage or degradation to water resources; and
4. Protection of the surface and subsurface environment during development and utilization of water resources.

This Ordinance does not apply to large-scale hydropower which does not meet the requirements of low-impact hydropower as defined in Section 1202.

Section 1202. DEFINITIONS

Hydropower Project – Low-impact hydropower technology that produces electric power and that harnesses the hydropower potential of moving water impoundments, provided such incremental hydropower development:

- a. Does not adversely change existing impacts to aquatic systems;
- b. Meets the certification standards established by the Low Impact Hydropower Institute and American Rivers, Inc., or their successors;
- c. Provides an adequate water flow for protection of aquatic life and for safe and effective fish passage;
- d. Protects against erosion; and
- e. Protects cultural and historic resources.³
- f. Complies with all state and federal standards, licenses and permits.

Owner – The holder of the record title to real property or the person entitled to use of the water at the property.

Person – A natural person, firm, partnership, association, social or fraternal organization, corporation, nonprofit corporation, trust, estate, receiver, syndicate, branch of government, or similar entities, any group or combination acting as a unit, or the successors or assigns of any of the aforesaid.

Township – The Township of Penn, Berks County, Pennsylvania.

Section 1203. SPECIAL EXCEPTION APPLICATION FOR HYDROPOWER PROJECT

Any person, including the Township, desiring to construct, install or alter a hydropower project within the Township shall first submit a special exception application to the Zoning Hearing Board on forms provided for that purpose by the Township and shall provide additional information as outlined in Section 1205, Special Exception Application Criteria. No person shall

³ Editor's Note: *See* Alternative Energy Portfolio Standards Act , 73 P.S. § 1648.2.

commence construction or alteration of a hydropower project prior to the owner of a proposed hydropower project receiving special exception approval.

Section 1204. SPECIAL EXCEPTION APPLICATION FEE

All applications for special exception shall be accompanied by an application fee which shall be established by the Board of Supervisors from time to time.

Section 1205. SPECIAL EXCEPTION CRITERIA

Special exception decisions shall contain written findings which may include, but are not limited to, the following criteria:

1. Location of proposed hydropower project, including proximity to buildings and neighboring properties.
2. The estimated environmental impact of the proposed hydropower project's operations upon the stream/river, reservoir and surrounding hydropower;
3. The adequacy of system design, including whether the hydropower has sufficient gallons per minute or a reserve to fulfill the needs to the hydropower system and all plumbing fixture requirements;
4. The adequacy of provisions for environmental protection and public safety;
5. The compliance of the proposed hydropower project and its use with this Ordinance, the Township Comprehensive Plan, the Township Subdivision and Land Development Ordinance, and all other applicable local, state and federal laws and regulations;
6. The compliance of the proposed hydropower project and its use with the International Residential Code or its successor for residential uses and the 2006 International Plumbing Code or its successor for commercial uses; and
7. Such other hydropower management criteria as may be deemed directly relevant to the proposed hydropower project or its operation.

Section 1206. AUTHORITY TO ATTACH CONDITIONS TO SPECIAL EXCEPTIONS

When the Zoning Hearing Board determines that certain construction or operational conditions are necessary to assure the conservation and protection of water resources, or to assure the conservative and efficient utilization of said water or resources, the Zoning Hearing Board may add conditions to the special exception approval, including, but not limited to:

1. Restriction on hours of hydropower construction;

2. Requirements for noise muffling and waste disposal necessary to assure compatibility with surrounding land uses; or

3. Hydropower design requirements above and beyond state requirements, necessary for ground water and environmental protection.

Ord. 2009-03, 11/23/2009, §19.