

CHAPTER XXXII

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Part 1

General Provisions

Section 101. Title. A Chapter dividing the Township of Spring into districts and regulating the use of land and the location, use and density of buildings within these districts and providing for the administration and enforcement of this Chapter. This Chapter permits, prohibits, regulates, restricts and determines the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Chapter contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of this Chapter. Pursuant to the authority conferred by the State Act 247 (the Pennsylvania Municipalities Planning Code), as amended, the Township Supervisors of the Township of Spring do hereby ordain as follows. (Ordinance No. 335, March 26, 2007, Section 101 of Section 2)

Section 102. Short Title. This Chapter shall be known as and may be cited as the "Township of Spring Zoning Ordinance of 2006." (Ordinance No. 335, March 26, 2007, Section 102 of Section 2)

Section 103. Purpose.

(A) This Chapter is hereby adopted in accordance:

(1) With the requirements of Act 247 (the Pennsylvania Municipalities Planning Code), as amended.

(2) With the community development objectives of the Township's Comprehensive Plan.

(3) With consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

(B) In addition to carrying out the objective of the Comprehensive Plan, this Chapter is designed:

(1) To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.

(2) To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

(3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(Ordinance No. 335, March 26, 2007, Section 103 of Section 2)

Section 104. Application.

(A) No building, structure or land shall be used, occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this Chapter.

(B) This Chapter regulates:

(1) The location, height, bulk and size of buildings and other structures.

(2) The relation of such buildings or structures to streets and highways, their intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places, and to Identified Floodplain Areas.

(3) Areas and dimensions of land and bodies of water to be occupied by uses and structures; the percentage of a lot that may be occupied, the size and use of yards, courts and other open spaces.

(4) The density and distribution of population and intensity of use.

(5) The uses of land, buildings and structures for residents, trade, industry and other purposes.

(Ordinance No. 335, March 26, 2007, Section 104 of Section 2)

Section 105. Exemptions. This Chapter shall not apply to any existing or proposed building or extension thereof which is used or is to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission decides after a public hearing that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ordinance No. 335, March 26, 2007, Section 105 of Section 2)

Section 106. Interpretation.

(A) Minimum Requirements. The provisions of this Chapter shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Chapter conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its source.

(B) Exemplary Lists. Any list of permitted or prohibited uses is not an exhaustive list, but is included to clarify, emphasize and illustrate, by example, uses which are desirable or undesirable.

(C) Time Limitations. In the event any time limitations as herein stated do not conform with Act 247, or any other statute, the time limitation in Act 247, or any other statute, shall prevail.

(Ordinance No. 335, March 26, 2007, Section 106 of Section 2)

Part 2

Definitions

Section 201. General Interpretation. For the purposes of this Chapter, words and terms used herein shall be interpreted as follows:

- (A) Words in the present tense include the future tense.
- (B) The singular shall include the plural, and the plural shall include the singular.
- (C) The masculine gender shall include the feminine and the neuter and vice-versa.
- (D) The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
- (E) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be occupied."
- (F) The word "person" includes "individual," "company," "unincorporated association," "corporation" or other similar entities.
- (G) Any word or term not defined in this Chapter shall be used with a meaning of standard usage.
- (H) The words "street," "road" and "highway" shall have the same meaning.

(Ordinance No. 335, March 26, 2007, Section 201 of Section 2)

Section 202. Definitions. When used in the Chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABUT - contiguous properties sharing a common property boundary and properties across the street or streets from one another or directly across a natural feature or right-of-way.

ACCESS DRIVE - a privately owned, constructed and maintained vehicular access from a public or private street.

ACCESSORY BUILDING - a building (such as a private garage, garden shed, private toolhouse or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

ACCESSORY STRUCTURE - a structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ACCESSORY USE - a use subordinate and customarily incidental to the principal use on the same lot.

ACRE - 43,560 square feet.

ADJACENT - a state of being side by side, next to or adjoining one another.

ADULT BUSINESS USE - any adult bookstore, adult cabaret, adult theater, adult video rental and sales store, or adult mini-motion picture theater, as defined below, and which, under the State Obscenity Code, as amended, must exclude minors or may not knowingly disseminate to a minor.

ADULT BOOKSTORE - an establishment, having as a substantial or significant portion of its stock in trade (for sale or rental) books, magazines, and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined by the State Obscenity Code.

ADULT CABARET - a cabaret, tavern, theater or club which features strippers, male or female impersonators, or similar entertainers who exhibit, display or engage in nudity, sexual conduct or sadomasochistic abuse, as defined by the State Obscenity Code.

ADULT MINI-MOTION PICTURE THEATER - an enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons within private viewing booths and/or by use of token or coin-operated viewing booths and/or by use of token or coin-operated projectors or other video machines as defined by the State Obscenity Code.

ADULT THEATER - any business, indoor or outdoor, which exhibits a motion picture show or other presentations which, in whole or in part, depicts nudity, sexual conduct, sadomasochistic abuse as defined by the State Obscenity Code, as amended.

ADULT VIDEO RENTAL AND SALES - an establishment that has 25% or more of its stock in videos for rental or sales, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or an establishment with a designated segment or section devoted to the sale or display of such material.

MASSAGE PARLOR - any commercial place or establishment where one person performs exercises upon another person by rubbing, kneading, stroking or tapping with the hand or hands or with any mechanical device. This shall include but not be limited to activities conducted by a health care professional licensed as such by the Commonwealth of Pennsylvania. This use shall not include any place of business where any person, partnership, firm, association or corporation engages in, carries on, or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating specified anatomical areas or specified sexual activities or engaging in sexual activity as a business as prohibited by relevant provisions of the State Obscenity Code.

OTHER ADULT USES - any business, activity or use including or similar to or of the general nature of "Adult Bookstores", "Adult Motion Picture Theaters", "Adult Video Sales and Rentals", or "Adult Entertainment Cabarets" that provide goods or services distinguished or characterized by their emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas", such as escort bureaus, nude wrestling studios, phone sex services, internet sex services and studios, or similar businesses, activities or uses.

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

ADULT USES, OTHER - any business, activity or use similar to or of the general nature of "Adult Bookstores", "Adult Motion Picture Theaters", "Adult Entertainment Cabarets" or "Adult Massage Parlors" that provides goods or services distinguished or characterized by their emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas", such as escort bureaus, nude wrestling studios, phone sex services, internet sex services and studios, or similar businesses, activities or uses.

AGRICULTURAL INDUSTRIES - the processing, treating, packing or storing of agricultural products.

AGRICULTURE, GENERAL - the cultivation of the soil and the raising and harvesting of the products of the soil. "General Agriculture" includes animal husbandry, commercial crop storage and orchard, but does not include commercial forestry, or the extraction of minerals or water from the ground for any purpose other than in support of the on-site agricultural use.

AGRICULTURE, INTENSIVE - (a) specialized agricultural activities including, but not limited to, mushroom production, poultry production and dry lot livestock production, which due to the intensity of production, necessitate development of specialized sanitary facilities and controls, (b) any agricultural activity involving more animal equivalent units per acre than specified under Section 321 for general agriculture.

AIRPORT or AIRSTRIP - an area of land which is designed, used or intended to be used for the landing and takeoff of airplanes or ultra-light aircraft and any appurtenant areas which are designed to be used for airplane support facilities such as maintenance, refueling and parking facilities. Airports and airstrips shall be approved and shall meet all the applicable State and Federal regulations.

PRIVATE USE AIRPORT or AIRSTRIP - an airport or airstrip that restricts usage to the owner and/or operator or to persons authorized by the owner and/or operator.

PUBLIC USE AIRPORT or AIRSTRIP - an airport or airstrip open to the general public and not requiring prior permission of the owner and/or operator to land. Public use at commercial airports are covered under the Airport Zoning Act of October 10, 1980.

ALLEY - a private way affording only secondary means of access to adjacent property.

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

AMBULANCE SERVICE - a facility housing ambulance or medical emergency vehicles and attendant staff, including offices and supply storage.

AMBULATORY SURGICAL CENTER - a facility designed to provide elective surgical care in which the patient is admitted and discharged the same day.

AMUSEMENT ESTABLISHMENTS - a building established for the use of electronic and/or mechanical coin-operated devices, including but not limited to pinball machines, electronically operated shuffleboards, bowling, video games, electronically operated tennis, billiards and other similar games of amusement.

ANIMAL EQUIVALENT UNIT - 1,000-lbs. live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. For purposes of such determination, averages may be used, with such averages being determined by the average weight of the type animal being considered.

ANIMAL HOSPITAL - a building, structure or area of land where animals are given medical care, other than the premises where such animals are boarded. The definition of animal hospital shall include a veterinarian office.

ANIMAL HUSBANDRY - the raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets pursuant to the regulations of this Chapter and shall not be construed as animal husbandry.

ANIMATED SIGN - a sign which uses movement or change of lighting to depict action or to create a visual effect or scene.

ARCADE - an area contiguous to a street or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways, access drives or parking areas.

ARTICULATE - to give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.

AUDITORIUM - a building containing a stage and seating for meetings and performances. The definition of auditorium shall include a theater and a motion picture theater; however, shall not include an adult motion picture theater.

AUTOMOBILE ACCESSORIES - buildings where automobile parts and supplies are sold at retail, but where no vehicular repairs or services are conducted. This shall not include the sale of gasoline.

AUTOMOBILE, RECREATION VEHICLE or BOAT SALES AREA - an open area, other than a street, used for the display, sale or rental of new or used motor vehicles, recreation vehicles or boats in operable condition, and where no major vehicular or boat repair work is done. A use may combine vehicle sales with major vehicle repairs only if both uses are permitted in that district.

AUTOMOBILE REPAIR STATION - buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major vehicular or boat repairs are conducted. The definition of automobile repair station shall include an automobile body shop. See definitions of "major vehicular or boat repairs."

AUTOMOBILE SERVICE STATION - buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories and parts are supplied and dispensed at retail and where minor automobile repairs and services are conducted and permitted. See definition of "Minor Automobile Repairs and Services."

AUTOMOBILE WRECKING - the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

BACK-TO-BACK OR DOUBLE-FACE SIGN - a structure with two (2) parallel sign faces oriented in opposite directions.

BANK - includes savings and loans, finance companies, credit unions and other similar enterprises.

BANNER - a sign of lightweight fabric or similar material that is attached at one or more edges or corners to a pole or building.

BASEMENT - a story partly below the finished grade but having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

BED AND BREAKFAST - a dwelling in which the owner or tenant rents at least one (1) (but not more than five (5)) rental unit(s) for residential or lodging purposes, and in which meals are served to overnight guests. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.

BILLBOARD - off-premises advertising signs.

BLOCK - a tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Township or by any combination of the above.

BOARD - the Zoning Hearing Board of the Township of Spring.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Spring.

BOARDING HOUSE (ROOMING HOUSE, LODGING HOUSE) - a dwelling in which the owner or tenant rents at least one (1) (but not more than five (5)) rental unit(s) for residential or lodging purposes, regardless of whether meals are furnished or not. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.

BRIGHTNESS OF SIGN - the maximum brightness of a sign, as measured from the sign's face, in nits (candelas per square meter).

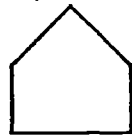
BUFFER YARD - a strip of land at least twenty (20) feet in width which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space.

BUILDING - any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. A multifamily building divided by unpierced masonry division walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for purpose of this Chapter.

BUILDING, ATTACHED - a building which has two (2) or more walls or portions thereof in common with an adjacent building.



BUILDING, DETACHED - a building which has no parts or walls in common with an adjacent building.



BUILDING, SEMIDETACHED. a building which has one (1) wall in common with an adjacent building.



BUILDING COVERAGE - the ratio obtained by dividing the maximum horizontal cross section of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, excluding area within all existing and future or ultimate street rights-of-way.

BUILDING HEIGHT - the vertical distance from the grade at the front of the building or the average of the grade of the street fronts, if building faces more than one (1) street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped and pitched roofs.

BUILDING LINE or BUILDING SETBACK LINE - a line, established by this Chapter, within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered, and an adjacent right-of-way or street line. Such line shall be measured at right angles from the street right-of-way line and shall be parallel to said right-of-way line. See definition of "right-of-way line."

BUILDING MASS - a building's expense or bulk. This term is typically used in reference to structures of considerable size.

BUS SHELTER - an open, roofed structure used as a shield or protection from inclement weather conditions by persons awaiting a bus. This shall include only those structures utilized by a school district or transportation authority.

BUS STATION - any premises for the housing or parking of buses and the loading and unloading of passengers.

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

CANDELAS - a unit of luminous intensity, which can be defined as the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.

CARPORT - a building open on two (2) or more sides and used in conjunction with a dwelling for storage of private vehicles.

CARTWAY - the paved portion of a street or highway designed for vehicular traffic and paved areas intended for on street parking.

CARWASH - a facility devoted to the washing and waxing of the exterior of vehicles and the cleaning of their interiors by automated equipment and employees of the establishment, but where no sale of gasoline, preventive maintenance or repair to the vehicles shall be offered and performed.

CATERING ESTABLISHMENT - an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out.

CELLAR - a story partly below the finished grade, having more than one-half (1/2) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CHANGEABLE COPY SIGN (NON-ELECTRONIC) - a sign or portion thereof which has a readerboard of text information in which alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters or illustrations which can be changed or rearranged without altering the face or surface of the sign. A sign which shows the date, time, and/or temperature shall not be considered a changeable copy sign.

CHRISTMAS TREE FARM - the raising and harvesting of Christmas trees for commercial purposes.

CLUB - see "membership club."

COMBINATION OF PERMITTED USES - a grouping of principal uses on a lot where such uses are otherwise permitted individually in that zoning district. This does not include a combination of uses within the same building. (See also multiple use building).

COMMERCIAL MOTOR VEHICLE - a motor vehicle licensed by the Commonwealth in a class other than Class I or Class II. For purposes of this Chapter, a recreational vehicle (see definition) shall not be considered a commercial motor vehicle.

COMMISSION - the Planning Commission of the Township of Spring.

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

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennae and covering an area on the ground not greater than two hundred fifty (250) square feet.

COMMUNICATIONS TOWER - a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennae.

COMPREHENSIVE PLAN - the document titled "Suburban Berks West Joint Comprehensive Plan," or any part thereof, adopted by the Board of Supervisors.

CONDITIONAL USE - certain specified uses which are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to express standards and criteria set forth in this Chapter.

CONDOMINIUM - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.

CONFERENCE CENTER - an establishment used for the holding of conventions, seminars, workshops or similar activities, including dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

CONSTRUCTION - includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of a preexisting building, provided that further construction be diligently carried on.

CONVENIENCE STORE - an establishment where food, tobacco, drugs, periodicals, or similar items of household convenience are kept for retail sale to residents of the immediate neighborhood. Stores catering primarily to passing traffic originating outside of the surrounding neighborhood are not included in this definition.

CONVERSION - to change or adapt land or structures to a different use, occupancy or purpose.

CONVENTIONAL RESIDENTIAL DEVELOPMENT - a residential use of land that includes the division of property into building lots based upon the standard provisions within a zoning district for lot area, width, building coverage and minimum yard requirements. This definition does not include open space developments or planned residential developments.

CORRECTIONAL AND PENAL INSTITUTIONS - a facility, the primary purpose of which is to house or confine those held in lawful custody as a result of allegation, convictions, or adjudications of criminal or delinquent conduct.

COUNTY - the County of Berks, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - the Berks County Planning Commission.

CREMATORIUM - a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CULTURAL CENTER - a building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, nature study area, etc.

CURATIVE AMENDMENT - a proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

CUSTOMER SERVICE WINDOW - an opening on the exterior of a building through which the customers receive goods or services in exchange for monetary compensation.

DAY CARE CENTER - a facility where care is provided at any one time for seven (7) or more children under the age of twelve (12), where the child care

area(s) are not being used as a family residence and where full-time adult supervision is provided.

DEMOLITION - the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part; provided such changes do not alter the structural integrity of the building. This term shall not include changes to the interior of a building.

DEMOLITION BY NEGLECT - the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for total demolition of the structure.

DENSITY - unless otherwise stipulated in this Chapter, the term "density" shall mean gross density which shall be determined by dividing the total number of dwelling units by the total amount of land in the tract to be developed minus all land within the ultimate right-of-way of existing and proposed streets.

DETACHED - a state of being surrounded on all sides by yards.

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

DRIVE-IN - a business establishment so developed that its retail or service character is dependent upon providing an access drive approach or spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

DRIVE-THROUGH - a feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

DRIVE-THROUGH CUSTOMER WINDOW - see customer service window.

DRIVE-THROUGH RESTAURANT - see restaurant, fast food with drive-through service.

DRIVE-THROUGH SERVICE UNIT - an individual drive-through lane at a drive-through establishment, which may contain one (1) or more components (such as menu boards, pay windows, pickup windows, etc.). When multiple vehicles are able to be served simultaneously, the number of units is equal to the number of simultaneously served vehicles.

DRIVEWAY - a privately owned, constructed and maintained vehicular access from a street or access drive to a single dwelling unit or a non-residential use that has three (3) or less off-street parking spaces.

DWELLING UNIT - one (1) or more living or sleeping rooms together with separate cooking and sanitary facilities which are accessible from the outdoors, whether directly or through an entrance hall shared with other dwelling units and used or intended to be used by a family.

DWELLING - a building designed or used as a living quarters for one (1) or more families. The term "dwelling" shall not be deemed to include rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence. For purposes of this Chapter, the following types of dwellings are defined:

(1) **Single-Family Detached Dwelling.** A detached building arranged, designed and intended for occupancy exclusively by one (1) family. The term "single-family detached dwelling" shall be deemed to include a factory-built "modular home" placed on a permanent perimeter foundation.

(a) **Modular Home Dwelling** (defined by the Pennsylvania Industrialized Housing Act/Act 70). Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site; housing units defined as mobile homes are excluded from this definition.

(b) **Mobile/Manufactured Home.** A transportable, single-family detached dwelling designed so that it can be used for permanent occupancy, contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation.

Mobile/manufactured homes shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. The term "mobile/manufactured home" shall not be deemed to include "recreation vehicle" nor a "modular home" placed on a permanent perimeter foundation.

(2) Two-Family Semidetached Dwelling. A building arranged, designed and intended for occupancy by two (2) families living independent of each other in separate dwelling units which are entirely separated by vertical walls and which are unpierced except for access to the outside. This type of dwelling is commonly called a twin or a semidetached dwelling.

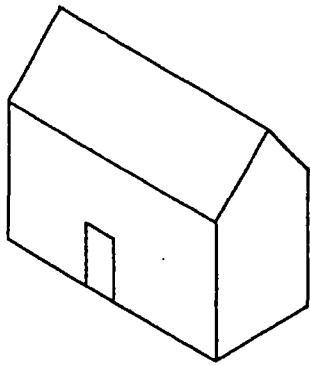
(3) Two-Family Detached Dwelling. A building arranged, designed or intended for occupancy by two (2) families living independently of each other in separate dwelling units that are separated primarily by horizontal floors as opposed to vertical walls. This type of dwelling is commonly called a duplex.

(4) Multiple-Family Building. A building arranged, designed and intended for three (3) or more dwelling units and which include the following housing types:

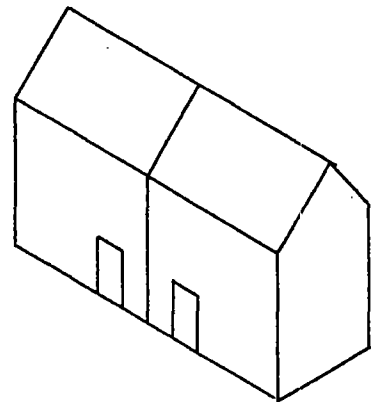
(a) Garden Apartment. A multifamily building in which the individual dwelling units have entrances from common hallways. The building is on a lot which is held in single and separate ownership which have yards in common but which may also have other joint facilities and services.

(b) Single-Family Attached Dwelling. A dwelling unit within a building which has no more than six (6) attached dwelling units (including the end unit). Each unit is arranged, designed, intended for and occupied exclusively by one (1) family. Each dwelling unit is separated by unpierced vertical fire walls and has at least one (1) separate entrance. Each internal dwelling unit has no side yards and each end unit has one (1) side yard. This includes most dwellings commonly referred to as "townhouses" or "row houses."

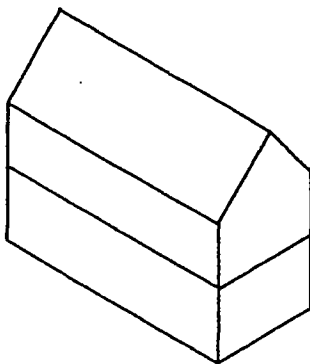
NOTE: See following page for sketches that illustrate the types of dwelling units.



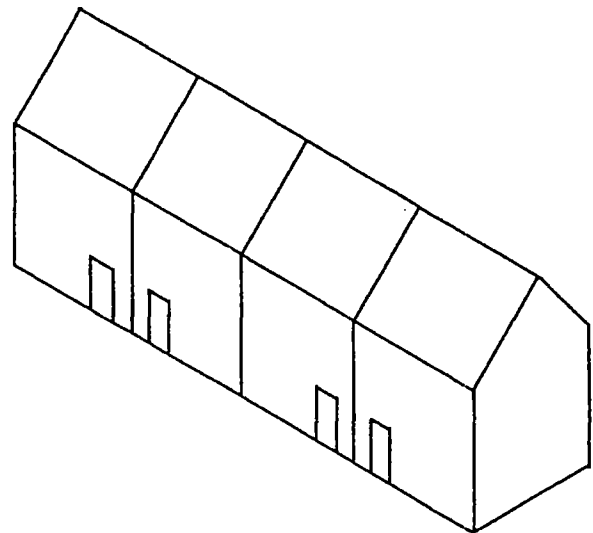
SINGLE FAMILY DETACHED



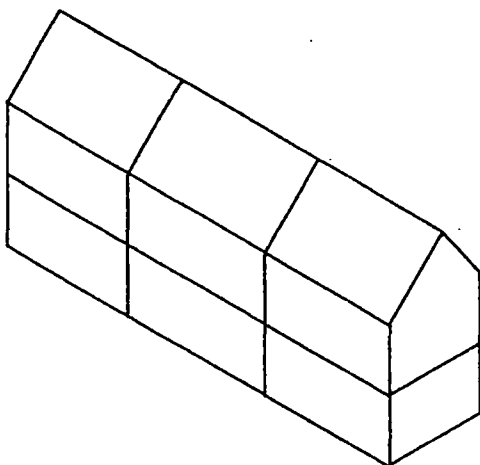
TWO FAMILY SEMI-DETACHED



TWO FAMILY DETACHED



TOWNHOUSES OR
SINGLE FAMILY ATTACHED
DWELLINGS



GARDEN APARTMENTS

ELECTRONIC CHANGEABLE COPY SIGN - a sign or portion thereof that displays electronic text information, static images, static graphics, static pictures, or any combination thereof, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixilization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

FAÇADE - the portion of any exterior elevation on a building extending from grade to the top of the parapet, wall or eaves and extending the entire length of a building on all sides.

FADE - a mode of message or image transition on an electronic changeable copy sign accomplished by varying the light intensity, where the first message or image gradually reduces intensity to the point of not being legible and the subsequent message or image gradually increases in intensity to the point of legibility.

FAMILY - one (1) or more persons related by blood, marriage, foster relationship or adoption (or a group of not more than three (3) persons not related by blood, marriage or adoption) living together in a single dwelling and maintaining and functioning as a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, lodger nor persons residing in a group home.

FARM ANIMALS - animals that are customarily kept only on a farm or where agricultural activities take place, including but not limited to horses, cattle, pigs, sheep, goats, poultry, rabbits, or similar animals.

FARM POND - a manmade body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.

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

FLASHING SIGN - a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory burst

and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling. Illuminated signs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.

FLOODPLAIN AREA - as defined in the Township of Spring Floodplain Ordinance (Chapter X).

FLOOR AREA (GROSS FLOOR AREA) - the total space of all floors, as measured to the outside surfaces of exterior walls (or from the center line of party walls separating two (2) buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces.

FORESTRY - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, transporting and selling trees for commercial purposes.

FREE-STANDING SIGN - an in-ground or surface-mounted sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

FUEL STORAGE TANK FARM - an establishment primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, gas or other similar inflammable products in fuel storage tanks.

FUNERAL HOME - a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

GLARE - a situation created when illumination sources shine with visibly harsh, uncomfortably bright light which: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding glare, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

GOVERNING BODY - the Board of Supervisors of the Township of Spring.

GOVERNMENTAL FACILITIES - municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments or its designee, but not including group homes.

GRADE - (a) the elevation of existing or finished ground or paving, (b) the slope of existing or finished ground or paving. See definition of "slope".

GROUP HOME - a building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under the applicable State program. Such use shall not include facilities occupied by those convicted of or being detained on criminal charges or adjudicated on charges of delinquency.

GUN CLUB - a facility used for target shooting, trap or skeet, including rifle and pistol clubs.

HEALTH CLUB - A private or public indoor facility utilized for recreational activities, including sports, exercise, and athletic contests, but not including athletic or other performances for viewing by more than twenty-five (25) spectators at any one time. All activities relating to an adult business shall be prohibited within a health club.

HEIGHT OF A COMMUNICATIONS TOWER - the vertical distance measured from the ground level to the highest point on a communications tower, including antennae mounted on the tower.

HEIGHT OF SIGNS OR OTHER STRUCTURES - the vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HELIPORT - any area of land, water or a structural surface which is designed, used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling and parking. All heliports shall be approved and shall meet all the applicable State and Federal regulations for their use.

PRIVATE USE HELIPORT - any heliport that restricts usage to the owner and/or operator or to persons authorized by the owner and/or operator.

PUBLIC USE HELIPORT - any heliport open to the general public and not requiring prior permission of the owner and/or operator to land.

HOLIDAY TREE SALES - the offering of holiday trees for sale to the public from a temporary structure or from a location out-of-doors where goods are not normally displayed as part of a permanent, ongoing retail establishment.

HOME OCCUPATION - an accessory use which:

- (1) Is clearly incidental to the residential use of the dwelling unit.
- (2) Is carried on only within the dwelling unit.

HOME-RELATED BUSINESS - an accessory use which:

- (1) Is clearly incidental to the residential use of the dwelling unit.
- (2) Is not carried on within a dwelling unit, like a home occupation, but may be administered out of the dwelling unit.

HOSPITAL OR MEDICAL CENTER - an institution providing physical or mental health services or medical or surgical care to the sick, handicapped or injured, including facilities for overnight accommodation of patients. This definition does not include an animal hospital.

HOSPITAL STAFF DORMITORY - a structure providing residential accommodations (including cooking facilities) for employees or students of the hospital.

HOTEL (MOTEL) - a building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws.

IDENTIFIED FLOODPLAIN AREA - as described in the Township of Spring Floodplain Ordinance (Chapter X).

IMPERVIOUS COVERAGE - the percentage of the total area of a lot, excluding area within all existing and future or ultimate street rights-of-way, that is covered by surfaces (such as bituminous paving) that has a runoff coefficient of 0.8 or greater and by buildings or other nonporous structures. In addition, areas covered by gravel or stone that are intended for vehicular movement or parking shall be considered to be impervious for the purposes of this Chapter.

INTERIOR SERVICE AND CONVENIENCE USES - a use which is clearly incidental to the principal use of a building, and which is located within the same building and primarily serves the occupants of said building. Interior service and convenience uses include, but are not limited to, eating and drinking places, specialized retail food sales, barber/beauty shop, photo copy service, pharmacy, optician, daycare/nursery, and fitness center.

JUNK - any and all discarded material or articles; including scrap metal, junk motor vehicles, glass, industrial waste, paper, abandoned machinery, equipment, containers, structures, used plumbing supplies and other used building materials.

JUNKYARDS - a lot, land or structure or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials including, but not limited to, waste paper, rags, scrap metal or other scrap, salvage or discarded material, vehicles or machinery. The deposit or storage of two (2) or more unlicensed, wrecked or disabled vehicles shall be deemed to be a junkyard.

KENNEL - any lot on which six (6) or more adult (over six (6) months of age) dogs or cats are kept at any one time. This use may also include breeding of dogs and cats within the limitations of this definition. Any such use shall fully comply with State Act 225 of 1982.

KITCHEN - an area or room within a dwelling or structure containing kitchen facilities. All three amenities defined as kitchen facilities must be present for the area or room to be considered a kitchen.

KITCHEN FACILITIES - all the following shall be included: sink with piped water, a permanent cookstove and a refrigerator.

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

LIVING UNIT FOR THE ELDERLY - a dwelling unit in which at least one resident shall be at least 60 years of age.

LODGING HOUSE - see "boarding house."

LOT - a tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory building, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site or any similar term.

(1) Corner Lot. A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

(2) Interior Lot. A lot other than a corner lot, the sides of which do not abut a street.

(3) Through Lot. An interior lot having frontage on two (2) parallel or approximately parallel streets

(4) Flag Lot or Keyhole Lot. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land-locked interior parcel.

LOT AREA - the space contained within the lot lines, excluding space within all existing and future or ultimate street rights-of-way.

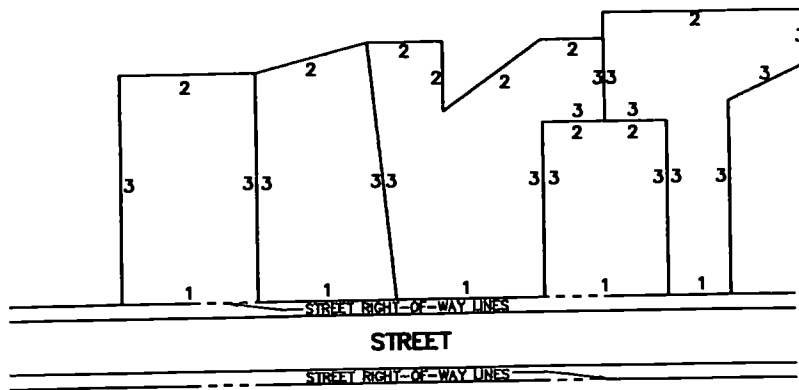
LOT DEPTH - the mean average horizontal distance between the front and the rear lot lines.

LOT LINES - any line dividing one (1) lot from another.

FRONT LOT LINE (STREET LINE) - a lot line separating the lot from a street right-of-way. The front lot line shall be the same as an existing or ultimate right-of-way line (whichever establishes a greater width).

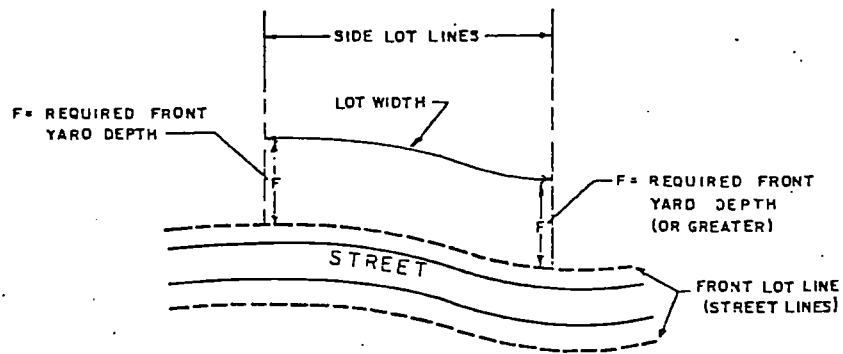
REAR LOT LINE - a lot line opposite and most distant from the front lot line. (A three (3) sided lot has no rear lot line.)

SIDE LOT LINE - any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.



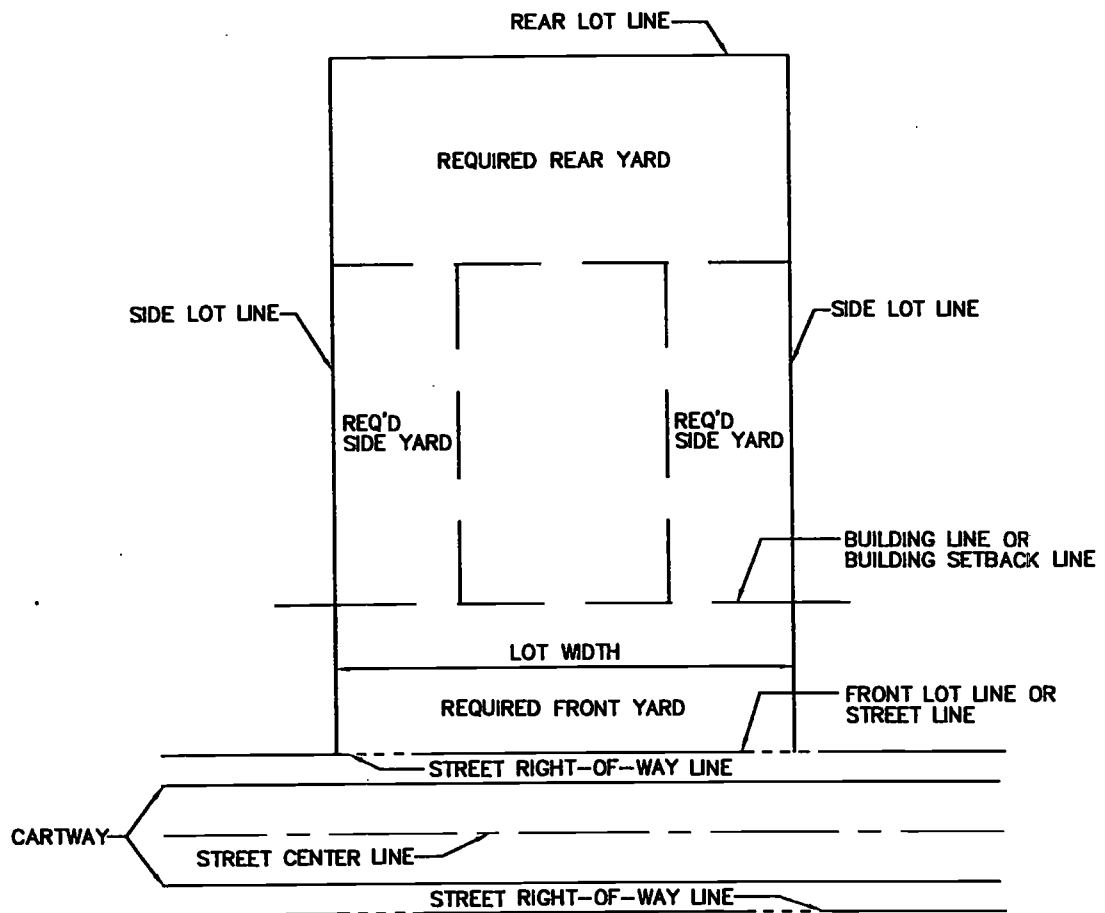
LOT WIDTH - the horizontal distance between the side lot lines measured at the minimum front yard setback lines. (See §405(G), Exceptions to Minimum Lot Areas, Lot Widths and Yards.) In no case shall the minimum street frontage be less than one-half ($1/2$) of the required lot width

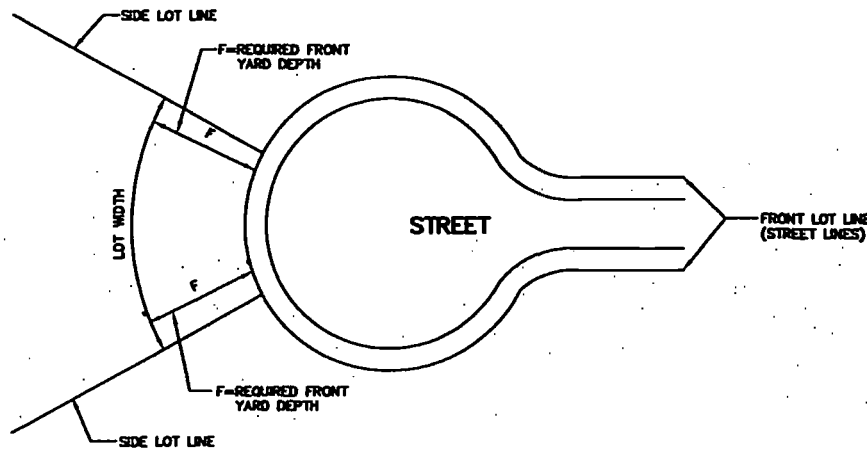
Note: See Terms for Lot Requirements on Next Page.



TERMS FOR LOT REQUIREMENTS

For General Illustrative Purposes Only





LUMENS - the luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one (1) candela.

MAINTENANCE AND REPAIR - work that does not alter the appearance or harm the stability of exterior features of a building.

MAJOR VEHICULAR or BOAT REPAIRS - include major mechanical and body/hull work, straightening of body parts, painting, welding/patching, storage of vehicles or boats not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

MEDICAL LABORATORY - a facility providing medical analysis services including the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

MEDICAL OFFICE OR MEDICAL CLINIC - a place, building or portion of a building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition does not include veterinarian offices.

MEMBERSHIP CLUB - an area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose and whose activities are confined to the members and guests and are not extended to the general public. For the purposes of this Chapter, the definition of "membership club" shall not include a tavern or restaurant unless a tavern or restaurant is also permitted in that district.

MINERAL EXTRACTION - a site where a mineral, stone, sand, gravel or topsoil is excavated.

MINOR AUTOMOBILE REPAIRS AND SERVICES - Includes:

- (1) Sale and servicing of spark plugs, batteries and distributors and distributor parts.
- (2) Tire servicing and repair, but not recapping or regrooving.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing and sale of automotive washing and polishing materials.
- (6) Greasing and lubrication.
- (7) Providing and repairing fuel pumps, oil filters and lines.
- (8) Minor servicing and repair of carburetors.
- (9) Emergency electrical repairs.
- (10) Adjusting and repairing brakes.
- (11) Minor motor adjustment not involving removal of the head or crankcase or racing the motor.

(12) Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation.

(13) Provision of street maps and other informational material to customers, provision of restroom facilities.

(14) Safety and emission inspections.

MOBILE/MANUFACTURED HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient residential use.

MOTEL - see "hotel."

MULTIFAMILY - includes the following dwelling types: single-family attached dwellings and garden apartment dwellings. These are described under "dwelling types."

MULTIPLE-USE BUILDING - a building for two (2) or more principal uses that are either permitted by right or by condition in the zoning district where this Chapter permits a multiple-use building.

MULTI-VISION SIGN - a sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that produces a different image and when functioning properly allows on a single sign structure the display at any given time of one of two or more images.

NIGHTCLUB - a type of tavern that offers the sale of liquor in conjunction with live entertainment and/or dancing.

NITS - a photometric unit defined as cd/m^2 (candelas per square meter).

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.

NONCONFORMING LOT - a lot which does not meet with the minimum lot width, or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Chapter or is legally established through the granting of a variance by the Board.

NONCONFORMING STRUCTURE or BUILDING - a structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Chapter or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Chapter or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

NUISANCE - the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

NURSERY/GREENHOUSE - the raising of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

NURSING HOME - an establishment containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care, but shall not include surgery or other treatments which are customarily provided in hospitals. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

OFFICE - a use that involves administrative, clerical, financial, governmental and professional operations and operations of a similar character. This use shall not include retail or industrial uses.

OFFICE, PROFESSIONAL - a building in which services are performed by a member of a profession including, but not limited to, an accountant,

architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor or undertaker.

OFFICIAL MAP - the official map as adopted or amended by the Board of Supervisors in accordance with Act 247, as amended.

OFFICIAL STREET CLASSIFICATION MAP - the map as adopted or amended by the Board of Supervisors classifying the streets of the Township into functional categories.

OFFICIAL ZONING MAP - the map as adopted or amended by the Board of Supervisors which designates the location and boundaries of zoning districts.

OFF-PREMISES SIGN - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.

OFF-STREET PARKING SETBACK - the distance that any paved area is required to be set back from the existing street right-of-way line. This shall not apply to driveways, sidewalks or curbs.

OFF-TRACK BETTING PARLOR - a commercial use where persons can wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

ON-PREMISES SIGN - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered on the premises upon which the sign is displayed or to which the sign is affixed.

OPEN AIR RETAIL - buildings or open areas in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals for the selling of homemade, homegrown, homecrafted, old, new or antique retail goods. This definition would include a "flea market".

OPEN SPACE - the area of a lot unoccupied by principal or accessory structures, streets, driveways or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

OPEN SPACE, COMMON - a parcel or parcels of land, or an area of water or a combination of land and water within a development site which is open space designed and intended for the use or enjoyment of residents of a development or the Township.

OPEN SPACE DEVELOPMENT - a development design option which allows the minimum lot area and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmental sensitive configuration, provided that the remaining area is set aside and preserved as common open space in compliance with the regulations contained in Section 901 (Appendix A).

ORCHARD - the raising and keeping of tree crops for any commercial purpose.

ORDINANCE - the "Spring Township Zoning Ordinance," including the official zoning map, official street classification map and any amendments enacted by the Board of Supervisors.

PADEP - the Commonwealth of Pennsylvania Department of Environmental Protection.

PARALLEL SIGN - a sign which is attached to or is part of the facade of a building and does not extend more than one foot (1') from such facade.

PARALLEL SIGN, GROSS SURFACE AREA OF - the entire area within a single continuous perimeter composed of rectangles which enclose the extreme limits of the emblems and/or design together with any frame or background which is used to differentiate such sign from the wall against which it is placed.

If a parallel sign is comprised of emblems, designs, words or numerals with separate background or frames, the intervening air space between the background frames shall not be included in the sign area calculations.

Where a sign consists only of individual letters, monograms, numerals, symbols or similar components and is painted on or attached flat onto the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area. The total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

PARENT TRACT - a lawful lot of record, that is held in single ownership as of the date of adoption of this Chapter, according to the Office of Recorder of Deeds of Berks County.

PARKING FACILITIES - outdoor areas or specially designed buildings or garages used for the storage of vehicles.

PATIENT HOSTEL - a residential facility for the sole use of patients of a hospital or medical center and their immediate families. The facility may include a shared dining facility which is restricted to use by the hostel occupants.

PERMANENT - having a life span of six (6) months or more at a particular location.

PERMIT - a document issued by the appropriate Township authority authorizing the applicant to undertake certain activities.

BUILDING PERMIT - a permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code which may be adopted by the Township which authorizes an applicant to commence with said construction, alteration or reconstruction.

OCCUPANCY PERMIT - a permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land or reoccupancy of a structure or land indicating that the premises comply with the provisions of this Chapter and may be used for the purposes set forth in the occupancy permit.

ZONING PERMIT - a permit issued indicating that a proposed use, building or structure is in accordance with this Chapter which authorizes an applicant to proceed with said use, building or structure.

PERMITTED BY RIGHT USE - a use which does not require zoning approval by the Zoning Hearing Board or by the Board of Supervisors before a zoning permit is granted by the Zoning Officer, although a site plan review is required for many uses under this Chapter.

PERSON - an individual, partnership, organization, association, trust or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust and the officers of such organization, association or corporation.

PERSONAL SERVICE - an establishment that provides a service oriented to personal needs which does not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, and other similar establishments.

PLACE OF WORSHIP - buildings, synagogues, churches and shrines used principally for religious and/or spiritual worship. Such facilities may include religious education, social and day care facilities provided that such facilities are clearly accessory uses and not a principal use.

PLANNED BUSINESS DEVELOPMENT - a development containing one or more of a variety of specified nonresidential uses and approved by the Board of Supervisors as a Conditional Use complying with specified standards within the Planned Highway Interchange District (PHI).

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - an area of land controlled by a single landowner, to be developed as a single entity for a number of dwelling units in a variety of housing types, and which has a development plan that does not comply with regulations on lot size, bulk or type of dwelling, density, lot coverage or required open space and which further complies with §301 and all other applicable provisions of the Township of Spring PRD ordinance (Chapter XXI).

PLANNING COMMISSION - the Planning Commission for the Township of Spring.

PORTABLE SIGN - a sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A-frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.

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

PRINCIPAL USE - the single dominant use or single main use on a lot.

PROJECTING SIGN - a sign which is attached to the facade of a building and extends more than one foot (1'), but not more than six (6') feet, from such facade.

PUBLIC NOTICE - notice required by Act 247, the Pennsylvania Municipality Planning Code. Currently Act 247 requires notice to be given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by this Chapter. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

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

RADIO/TV TRANSMITTER - any structure used for the transmission or retransmission of a commercial radio or television broadcast signal.

RECREATION - three (3) types of recreation are classified for this Chapter:

NONPUBLIC INDOOR RECREATION - this includes recreation uses that do not meet the definition of public recreation and that are primarily within a building. This includes uses owned by commercial ventures or by nonprofit organizations. This includes indoor miniature golf, amusement establishments, indoor membership clubs, indoor swimming clubs, indoor tennis clubs, racquetball clubs, health clubs, exercise clubs and closely similar uses. See also definitions of "amusement establishment" and "membership club."

NONPUBLIC OUTDOOR RECREATION - this includes recreation uses that do not meet the definition of public recreation and that are primarily conducted outside of a building. This includes uses owned by commercial ventures or by nonprofit organizations. This includes golf courses, chip and putt courses, picnic groves, camps, campgrounds, outdoor membership clubs, outdoor swimming clubs, outdoor tennis club and closely similar uses. This definition specifically does not include motor vehicle race tracks.

PUBLIC RECREATION - this includes indoor or outdoor and active or passive recreation facilities that are owned by a Federal, State, County or Township agency for recreation purposes. A fee may be charged for admittance and such facilities may be operated by a private contractor. This shall include publicly owned parks, golf courses, playgrounds and swimming pools.

RECREATIONAL VEHICLE - a vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation vehicle" includes campers, pickup coaches, travel trailers, motor homes or vans designed principally for recreational use.

RESIDENTIAL DISTRICT - this includes the following zoning districts: Rural/Suburban, Low Density Suburban, Moderate Density Suburban, Suburban/Semiurban and the Urban Districts.

RESTAURANT - four (4) types of restaurants are classified for this Chapter:

FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE - a fast food restaurant as defined below that also provides service to customers remaining seated in automobiles, either through an exterior window or service area or through serve to parked automobiles.

FOOD STAND - a fast food restaurant as defined below, but with no inside seating facilities. This shall include a snack bar or ice cream stand.

RESTAURANT, FAST FOOD - an establishment that principally sells food, frozen deserts and nonalcoholic beverages in a ready-to-consume state primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside counter or outdoor walk-up window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a standard restaurant.

RESTAURANT, STANDARD - a restaurant that does not meet the definition of a fast food restaurant or food stand. This includes restaurants where the majority of the food is consumed within the restaurant at tables.

RETAIL STORE - a building in which retail merchandise is sold or rented, including a furniture store, a gift shop, and an establishment for the sale of automobile accessories. This shall not include an adult business use.

RETIREMENT COMMUNITY - a development consisting of a building or group of buildings designed and used specifically for the residence and care of elderly and disabled persons.

RIDING STABLE - the commercial boarding or renting of horses.

RIGHT-OF-WAY - land reserved for the public or others for use as a street or other purpose.

RIGHT-OF-WAY, ULTIMATE - land reserved for the public or others for future use as a street or other purposes. The ultimate right-of-way line is usually wider than the official legal existing right-of-way that is currently owned by the Township or PennDOT.

RIGHT-OF-WAY LINE - the line that separates the street right-of-way from the lot. In cases where an area has been required to be reserved for future dedication as an ultimate right-of-way, this ultimate right-of-way shall be used as the basis for all building setbacks.

RIPARIAN BUFFER - a strip of land adjacent to any stream or watercourse, within which woodland disturbances or land disturbances are limited.

ROOMING HOUSE - see "boarding house."

SANITARY FACILITIES - all of the following facilities having piped water: sink, a toilet and a bathtub or shower.

SCREEN - a fence or natural obstruction of sufficient height (but not less than six (6) feet high) to effectively visually obscure the area being screened from adjoining areas.

SEASONAL ROADSIDE PRODUCT MARKET - an accessory use for the sale of dairy, farm, greenhouse or nursery products.

SELF-STORAGE FACILITY- a building or group of buildings divided into individual separate access units which are rented or leased forth storage of personal property.

SETBACK - see "building line" and "off-street parking setback."

SEWAGE DISPOSAL SYSTEM - a system designed to collect, treat and dispose of sewage from users in compliance with regulations of the appropriate State agency and of the Township.

CENTRALIZED SEWAGE DISPOSAL SYSTEM - a sewage disposal system which collects, treats and disposes sewage from more than one (1) dwelling, principal use or lot.

ONLOT SEWAGE DISPOSAL SYSTEM - a sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

SHOPPING CENTER - a group of commercial establishments built on a site that is planned, developed, owned and managed as a single operating unit related in location, size and type of shops and distinguished from a commercial area comprised of unrelated individual uses.

SIGN - Any object, device display, or structure that is used to advertise, identify, display, direct, or attract attention, including structural elements, bases, sign faces, trim and borders.

SIGN, GROSS SURFACE AREA OF - the entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. More descriptive definitions are provided for freestanding and parallel signs.

SINGLE-FAMILY DETACHED DWELLING IN COMBINATION WITH A COMMERCIAL ACTIVITY - the utilization of a lot, tract or parcel of land for a single-family detached dwelling and a commercial principal use permitted by right, by condition or by special exception in a Zoning District where this Chapter permits a single-family detached dwelling in combination with a commercial activity.

SITE ALTERATION - includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

SLOPE - the rate of vertical change of ground surface expressed as a percentage and determined by dividing the vertical distance by the horizontal distance.

SOLAR ACCESS - the capability of receiving direct sunlight between 9:00 a.m. and 3:00 p.m. (solar time) on any area of a lot not within required yard areas.

SOLID WASTE DISPOSAL AREA or FACILITY - a place including, but not limited to, a sanitary landfill where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of hazardous or radioactive materials.

SPECIAL EXCEPTION USE - a use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Chapter, provided the use complies with the conditions and standards required by this Chapter.

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

SPECIFIED SEXUAL ACTIVITIES - human male genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region or female breast.

STACKING SPACE, OFF-STREET - an area, separate from or in addition to the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

STATE OBSCENITY CODE - 53 Pa.C.S. §5901, et seq., as amended.

STEEP SLOPE AREA - those areas having slopes of fifteen percent (15%) or more.

STEEP SLOPE LOT - a lot having an average slopes of fifteen percent (15%) or more.

STORY (and HALF-STORY) - that portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7) feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7) feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.

STREET - a public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway); including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except an alley, access drive or driveway. The official street classification map in this Chapter shall be used to define each street by its function.

ARTERIAL STREET - streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds and generally should not provide access to land which would interfere with their primary traffic functions.

COLLECTOR STREET - streets designed to carry a moderate volume of traffic between local streets and arterials at moderate speeds and provide only limited vehicular access to the abutting properties.

EXPRESSWAY - a high-speed street with access available only using ramps at interchanges.

LOCAL STREET - streets designed to provide direct access from abutting properties to collector and arterial streets.

STREET LINE - see "right-of-way line."

STRUCTURAL ALTERATION - any change in the structural parts of a structure such as walls, columns, beams, girders, floors, roof or ceiling or any addition to any structure; or the moving of a structure from one location to another. "Structural alteration" does not include normal maintenance, minor repairs or interior alterations.

STRUCTURE - any manmade object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land or something located on the land. The term "structure" shall include: buildings, signs, fences, walls, towers, swimming pools, porches, garages and similar structure. "Structure" shall be interpreted as including the words "or part thereof."

SUBTERRANEAN BUILDING - a building covered by land on at least fifty percent (50%) of the total surface of its walls and roof.

SWIMMING CLUB - an area containing a swimming pool which is used by the public or by members for a fee.

SWIMMING POOL - a body of water or receptacle for water having a depth at any point greater than twenty-four (24) inches which is primarily used or intended to be used for swimming or bathing.

TAVERN - a building or part thereof where, in consideration for payment therefore, liquor, beer or wine or any combination thereof are served for consumption on the premises, with or without food.

TEMPORARY RETAIL SALES - the offering of goods for sale to the public from a temporary structure or from a location out-of-doors where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples of temporary retail sales include the selling of flowers before and on holidays such as Mother's Day and the sale of fireworks on July 4. This term does not include holiday tree sales.

TEMPORARY SIGN - a sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

TIME AND TEMPERATURE SIGN - any sign which displays exclusively current time and temperature information.

TOWNHOUSE - see "dwelling types, single-family attached dwelling."

TOWNSHIP - the Township of Spring, Berks County, Pennsylvania.

TRACT SIZE - for the purposes of regulating the minimum land area of certain types of development, the tract size is the amount of land area that the applicant presently owns or has an option to purchase. The Township may allow land controlled by more than one (1) applicant to qualify as a tract if there is clear evidence of a commitment to very closely coordinate the development of their lands. To be considered a tract, land must be proposed to be developed in a well laid out, coordinated and comprehensive manner, especially in terms of traffic access and internal circulation.

TRAILER - see "mobile home" (listed under "dwelling") and "recreation vehicle."

TRANSITION - a visual effect used on an electronic changeable copy sign to change from one message or image to another.

TRAVEL TRAILER - see "recreation vehicle."

TREE FARM (CROP)- the raising and harvesting of trees for commercial purposes that were specifically planted for that purpose. This shall include a Christmas tree farm. See also the definition of "forestry."

TRUCK TERMINAL - the building plus contiguous space to which freight is brought for transfer, collection and sorting for shipment by motor truck.

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

VARIANCE - the granting of permission by the Zoning Hearing Board to use or alter land or structures which requires a variation from the strict application of a requirement of this Chapter. A variance shall only be granted if the situation complies with State Act 247 of 1968, as amended, especially §912.

VEHICLE WASH PREVENTIVE MAINTENANCE CENTER - a facility devoted to the washing and waxing of the exterior of vehicles and the cleaning of their interiors by automated equipment and employees of the establishment where minor preventive maintenance to the vehicles shall be offered and performed, including specifically oil and filter changes, brake replacement, headlamp and other light bulb replacement, replacements of belts, supplying fluids used by the vehicles and other similar preventive maintenance not involving body work and/or major repairs. Customer lounges with customer services shall be permitted at the facility. Sale of gasoline and other fuels shall not be permitted at the facility.

VETERINARIAN OFFICE - see "animal hospital."

VIDEO DISPLAY SIGN - a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.

Video display signs include projected images or messages with these characteristics onto buildings or other objects.

V-TYPE SIGN - a structure or structures with two (2) or three (3) given sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

WALL SIGN - a sign which is attached parallel to a building wall with the face of said sign extending no more than twelve inches (12") from the face of the wall.

WAREHOUSE and WHOLESALE TRADE - a building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials.

WATERCOURSE - a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SUPPLY SYSTEM - a system designed to transmit water from a source to users, in compliance with the requirements of the appropriate State agencies and the Township.

CENTRALIZED WATER SUPPLY SYSTEM - a water supply system which transmits water from a common source to more than one (1) dwelling, principal use or lot.

ONLOT WATER SUPPLY SYSTEM - a water supply system which transmits water from a source on the lot to one (1) dwelling, principal use or lot.

WETLAND - any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the PADEP, as amended. In the event that the definition of a wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the PADEP, the more restrictive definition shall apply.

WETLAND BUFFER - a strip of land at least thirty-five (35) feet in width, adjacent to any jurisdictional wetland, within which removal of vegetation, earth moving activities, structures, and impervious surfaces are limited.

WILDLIFE SANCTUARY - includes nature center, outdoor education laboratory, woodland preserve or arboretum.

WINDOW SIGN - a sign affixed to or visible through a window from the exterior of a building.

WOODLAND - a tree mass or plant community in which tree species are dominant or co-dominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Chapter, the extent of any woodland plant community, or any part thereof, shall be measured from the outer-most drip line of all the trees within the community. Woodland shall include any area where timber has been harvested within the previous three years, and/or woodland disturbance has occurred within the previous three years, which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

WOODLAND DISTURBANCE - any activity which alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species as well as removal of humus or duff from the ground. Woodland disturbance includes any land disturbance within a woodland or hedgerow.

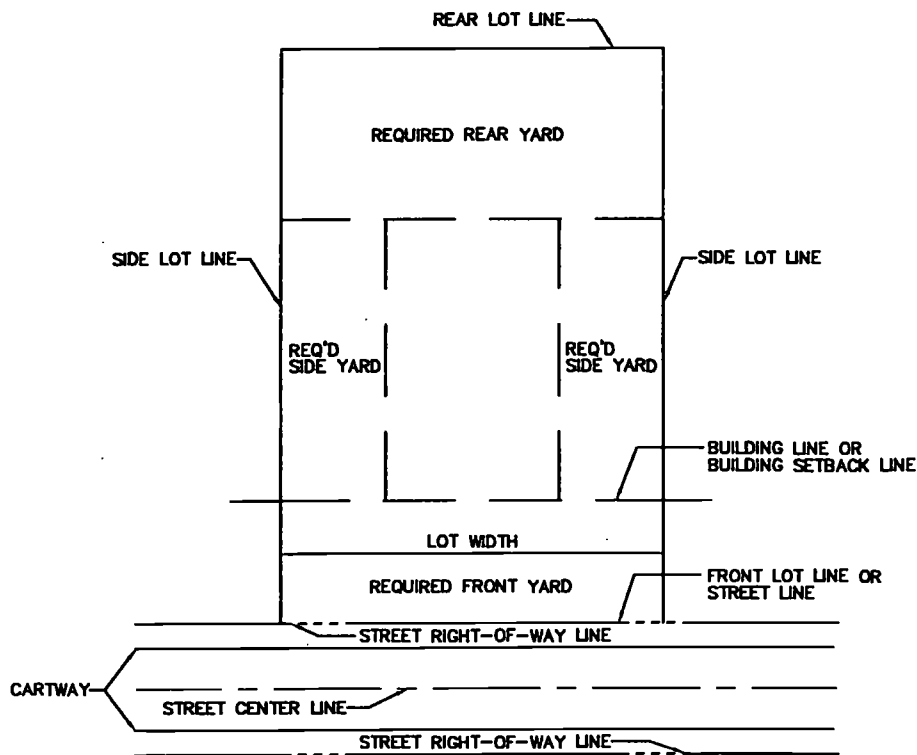
YARD - an open space on the same lot with a structure (or a group of structures) which lies between the structure (or a group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

FRONT YARD - a yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one (1) street other than an alley, the front yard requirements shall apply fronting each street, unless otherwise specified in this Chapter.

REAR YARD - a yard extending the full width of the lot between a structure and a rear lot line.

SIDE YARD - a yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

The following graphic provides an illustrative example of different types of yards:



ZONE - see "district."

ZONING HEARING BOARD - see "Board."

ZONING OFFICER - the administrative officer charged with the duty of enforcing the provisions of this Chapter.

(Ordinance No. 335, March 26, 2007, Section 202 of Section 2; amended by Ordinance No. 366, January 12, 2009, Sections 1 & 2)

Part 3
Zoning Districts and Use Regulations

Section 301. Establishment of Zoning Districts.

(A) For the purpose of this Chapter, zoning districts are hereby established as follows:

RHA	Rural Holding Area
RC	Rural Conservation
RS	Rural/Suburban
LDS	Low Density Suburban
MDS	Moderate Density Suburban
SS	Suburban/Semiurban
U	Urban
NC	Neighborhood Convenience Commercial
PHC	Planned Highway Commerce
PHI	Planned Highway Interchange
PHT	Planned Highway Transitional
POB	Planned Office/Business
PBR	Planned Business and Residential
PI/B	Planned Industry/Business
EI	Extractive Industry
FS	Fuel Storage

(B) For the purposes of this Chapter, the zoning districts named in Subsection (A) above shall be of the number, size, shape and location shown on the official zoning map adopted and included in its entirety as a part of this Chapter.

(Ordinance No. 335, March 26, 2007, Section 301 of Section 2)

Section 302. Application of District Regulations.

(A) Unless otherwise provided by law or specifically in this Chapter, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.

(B) The regulations set by this Chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this Chapter.

(C) No building, structure or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered, and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.

(D) No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(E) No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

(F) Any territory which may hereafter be annexed to the Township shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

(Ordinance No. 335, March 26, 2007, Section 302 of Section 2)

Section 303. Zoning Map.

(A) A map entitled "Zoning Map for the Township of Spring" accompanies this Chapter and is declared a part of this Chapter.

(B) The official zoning map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Township Secretary and shall bear the adoption date of this Chapter and the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map adopted _____ (date) as part of the Spring Township Zoning Ordinance."

(C) Changes of any nature to the official zoning map shall be made in conformity with the amendment procedures set forth in this Chapter. All changes shall be noted by date with a brief description of the nature of the change.

(D) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in the Township Office and shall be the final

authority on boundaries and districts. The Zoning Officer shall have a certified copy of the official zoning map for official use.

(1) If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map.

(2) The new official zoning map may include corrections of drafting or clerical errors or omissions from the prior Official Zoning Map, but shall not include any amendment or boundary change without completing the procedures required under Act 247.

(3) The new official zoning map shall be identified by the signatures of the Board of Supervisors, attested to by the Township Secretary and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ (date) as part of the Spring Township Zoning Ordinance."

(4) Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ordinance No. 335, March 26, 2007, Section 303 of Section 2; As Amended by Map Amendment Only Ordinance No. 357, April 28, 2008, Section 1)

Section 304. Rules for Interpreting District Boundaries.

(A) Zoning boundaries drawn approximately following the center lines of streams, drainageways, streets, alleys, railroads or other rights-of-way shall be construed to follow such center lines. In the event of any change in the center line, the zoning boundary shall be construed as moving with the actual center line.

(B) Boundaries approximately following property lines shall be construed as following such property lot lines.

(C) Where a district boundary line does not follow such a line, position is shown on the official zoning map by reference to an ordinance describing such lines or by a specific dimension expressing its distance, in feet, from a street center line or other boundary line as indicated and running parallel thereto.

(D) Where physical features existing on the ground vary with those shown on the official zoning map, or in other circumstances not covered by subsection (A) through (C) above, the Zoning Hearing Board shall interpret the district boundaries.

(Ordinance No. 335, March 26, 2007, Section 304 of Section 2)

Section 305. Rural Holding Area District (RHA).

(A) Purpose. The purpose of the Rural Holding Area District is to retain this area's rural character and scenic landscape while providing an opportunity for families and others to live in single-family dwellings that are on large lots. The preservation of forests, watercourses, underground water, steep slopes and other natural features and resources are emphasized in this area. Open space developments on smaller lots to preserve the natural environment is encouraged. Land uses that are compatible with a rural living environment are also provided in this district.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Rural Holding Area District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Agriculture, general**.
- (2) Agricultural industry.
- (3) Commercial stable or riding academy*,**.
- (4) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communication equipment buildings*,**.
- (5) Forestry, including, but not limited to, timber harvesting*,**.
- (6) Golf course*,**.
- (7) Greenhouse/nursery**.
- (8) Open Space Development in accordance with Section 901 (Appendix A)*.
- (9) Orchard or Christmas tree farm.
- (10) Picnic grove**.
- (11) Recreation, public*, .
- (12) Single-family detached dwelling, in accordance with the provisions of §305(F), §305(G), and §321 **.
- (13) Township-owned use, including Township park.
- (14) Wildlife sanctuary**.

*Site plan review required. (see §409)

**See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Holding Area District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Agriculture, intensive*.
- (2) Bed and breakfast*.
- (3) Boarding House *.
- (4) Communications towers and communications equipment buildings*.
- (5) Cemetery or Mausoleum*.
- (6) Cultural center.
- (7) Fire station*.
- (8) Gun club/target range*.
- (9) Kennel*.
- (10) Nursery school/day care center*.
- (11) Open air retail sales of agricultural products.
- (12) Place of Worship*.
- (13) Private airstrip and airport*.
- (14) Public utility facility*.
- (15) Recreation, nonpublic outdoor (other than golf courses and picnic groves, which are permitted by right)*.
- (16) School, public/private*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Holding Area District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Heliport *.
- (2) Single-family detached dwelling, in accordance with the provisions of §305(F), §305(G), and §321 **.
- (3) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

*See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Rural Holding Area District shall comply with the minimum yard requirements of §305(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Rural Holding Area District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals and fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Seasonal roadside produce market.
- (r) Signs, in accordance with Part 6.
- (s) Swimming pool (noncommercial).
- (t) Temporary retail sales.
- (u) Tennis court.
- (v) Storage in an accessory structure.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Rural Holding Area District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> (acres)	<u>Minimum Lot Width**</u> (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Any use	5	300	5	10	2-1/2	30

* Per dwelling unit for residential uses.

** Measured at the Minimum Front Yard listed in Section 305.(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Rural Holding Area District, except as otherwise provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> (feet)	<u>Side Yard</u>		<u>Rear Yard</u> (feet)
		<u>One</u> (feet)	<u>Both</u> (feet)	
Any Use	50	25	60	30

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 305 of Section 2)

Section 306. Rural Conservation District (RC).

(A) Purpose. The purpose of the Rural Conservation District is to encourage low density single-family dwellings on lots large enough to provide for both onlot sewage disposal and water supply while providing for the opportunity to have somewhat smaller lots if public water and sewage facilities are provided off the lot. Open space developments are provided in this district to provide a desirable alternative to conventional single-family developments.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Rural Conservation District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Agriculture, general**.
- (2) Agricultural industry.
- (3) Commercial stable or riding academy*,**.
- (4) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment building*,**.
- (5) Forestry, including, but not limited to, timber harvesting*,**.
- (6) Golf course*,**.
- (7) Greenhouse/nursery**.
- (8) Open Space Development in accordance with Section 901 (Appendix A)*.
- (9) Orchard or Christmas tree farm.
- (10) Picnic grove**.
- (11) Recreation, public*.
- (12) Single-family detached dwelling, in accordance with the provisions of §306(F), §306(G), and §321 **.
- (13) Township-owned use, including Township park.
- (14) Wildlife sanctuary**.

* Site plan review required. (See §409)

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Conservation District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Agriculture, intensive*.
- (2) Cemetery or mausoleum*.
- (3) College or university*.
- (4) Communications towers and communications equipment buildings*.
- (5) Community center.
- (6) Convalescent/nursing home*.
- (7) Cultural center.
- (8) Fire station*.
- (9) Nursery school/day care center*.
- (10) Open air retail sales for agricultural products*.
- (11) Place of worship*.
- (12) Public utility facility*.
- (13) Recreation, nonpublic outdoor* (other than golf courses and picnic groves, which are permitted by right)
- (14) School, public/private*.

- (15) Swimming club*.
- (16) Tennis club*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Conservation District when authorized by the Board of Supervisors in accordance with the standards of §323 of this Chapter:

- (1) Mobile home park*.

(2) Single-family detached dwelling, in accordance with the provisions of §306(F), §306(G), and §321 **.

(3) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

*See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Rural Conservation District shall comply with the minimum yard requirements of §306(F), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Rural Conservation District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals and fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).

- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Seasonal roadside produce market.
- (r) Signs, in accordance with Part 6.
- (s) Swimming pools (noncommercial).
- (t) Temporary retail sales.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Rural Conservation District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Single-Family Detached Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township PRD Ordinance (Chapter XXI))					
Mobile/Manufactured Home Park	(In accordance with §323(E)(4) of this Chapter and the Township's Subdivision and Land Development Ordinance (Chapter XXVII))					
Any Other Permitted Use:						
-With Both Centralized Sewer/Water	20,000	150	10	20	2-1/2	30
-With Onlot Sewer or Onlot Water	130,680 (3 acres)	200	5	10	2-1/2	30

* Per dwelling unit for residential uses.

** Measured at the Minimum Front Yard listed in Section 306.(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Rural Conservation District, except as otherwise provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> (feet)	<u>Side Yard</u>		<u>Rear Yard</u> (feet)
		<u>One</u> (feet)	<u>Both</u> (feet)	
Any Permitted Use	50	25	60	30

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 306 of Section 2)

Section 307. Rural/Suburban District (RS).

(A) Purpose. The purpose of the Rural/Suburban District is to provide for low to moderate density (depending upon the availability of centralized water and sewer) residential areas which are protected from incompatible land uses. Single-family homes are encouraged in this district. Open space developments are also provided as a desirable alternative to conventional single-family developments.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Rural/Suburban District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Agriculture, general*,**.
- (2) Agricultural industry.
- (3) Commercial stable or riding academy*,**.
- (4) Communications antennae mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings*,**.
- (5) Forestry, including, but not limited to, timber harvesting*,**.
- (6) Greenhouse/nursery*.
- (7) Open Space Development in accordance with Section 901 (Appendix A)*.
- (8) Orchard or Christmas tree farm.
- (9) Picnic grove**.
- (10) Recreation, public*.
- (11) Single-family detached dwelling, in accordance with the provisions of §307(F), §307(G), and §321 **.
- (12) Township-owned use, including Township park.

* Site plan review required (see §409).

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural/Suburban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Campground (private)*.
- (2) Cemetery or mausoleum*.
- (3) College*.
- (4) Communications towers and communications equipment buildings*.
- (5) Community center.
- (6) Convalescent/nursing home*.
- (7) Fire station*.
- (8) Nursery school/day care center*.
- (9) Open air retail sales for agricultural products*.
- (10) Place of worship*.
- (11) Public utility facility*.
- (12) Retirement community*.
- (13) School, public/private, not including trade school*.
- (14) Swimming club*.
- (15) Tennis club*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural/Suburban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Single-family detached dwelling, in accordance with the provisions of §307(F), §307(G), and §321 **.
- (2) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

*See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Rural/Suburban District shall comply with the minimum yard requirements of §307(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Rural/Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals or fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(10).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Seasonal roadside produce market.
- (r) Signs, in accordance with Part 6.
- (s) Swimming pool (noncommercial).
- (t) Temporary retail sales.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Rural/Suburban District, except as specifically provided for in this Chapter.

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Single-family Detached Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township’s PRD Ordinance (Chapter XXI))					
Mobile/Manufactured Home Park	(In accordance with §323(E)(4) of this Chapter and the Township’s Subdivision and Land Development Ordinance (Chapter XXVII))					
Any Other Permitted Use:						
-With Both Centralized Sewer & Water	15,000	100	25	40	2-1/2	30
-With Onlot Sewer or Onlot Water	43,560	150	10	20	2-1/2	30

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §307(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Rural/Suburban District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Use:				
-With Both Centralized Sewer & Water	50	10	25	30
-With Onlot Sewer or Onlot Water	50	20	50	30

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 307 of Section 2)

Section 308. Low Density Suburban District (LDS).

(A) Purpose. The purpose of the Low Density Suburban District is to provide for relatively low density single-family residential development and to allow for the natural expansion of those areas which have the potential for being served by public water and sewer facilities.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Low Density Suburban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Forestry, including, but not limited to, timber harvesting*,**.
- (2) Orchard or Christmas tree farm.
- (3) Public recreation.
- (4) Single-family detached dwelling.
- (5) Township-owned use, including Township park.

**See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Low Density Suburban District by

the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Cemetery or mausoleum*.
- (2) College or university*.
- (3) Convalescent/nursing home*.
- (4) Fire station*.
- (5) Nursery school/day care center.*
- (6) Place of worship*.
- (7) Public utility facility*.
- (8) School, public/private, not including trade school*.
- (9) Swimming club*.
- (10) Tennis club*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Low Density Suburban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

(E) Accessory Uses.

(1) Each accessory use in the Low Density Suburban District shall comply with the minimum yard requirements contained in §308(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Low Density Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.

- (j) Horse barn.
- (k) Keeping animals or fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (noncommercial).
- (s) Temporary retail sales.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Low Density Suburban District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Which ever is Less)</u>	<u>(Feet)</u>
Any Permitted Use With Both Centralized Sewer/Water	10,000	80	40	55	3	30
Any Permitted Use Without Both Centralized Sewer/Water	43,560	150	25	40	3	30
Single-Family Detached Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township's PRD Ordinance (Chapter XXI))					

* Per dwelling unit for residential uses.

** Measured at the Minimum Front Yard listed in Section 308.(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Low Density Suburban District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Permitted Use	30	8	20	30

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 308 of Section 2)

Section 309. Moderate Density Suburban District (MDS).

(A) Purpose. The purpose of the Moderate Density Suburban District is to provide for moderate density single-family residential development and to allow for the natural expansion of those areas which have the potential for being served by public water and sewer facilities.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Moderate Density Suburban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Forestry, including, but not limited to, timber harvesting*,**.
- (2) Orchard or Christmas tree farm.
- (3) Public recreation, including Township park.
- (4) Single-family detached dwelling.
- (5) Township-owned use, including Township park.

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Moderate Density Suburban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter.

- (1) Cemetery or mausoleum*.

- (2) College or university*.
- (3) Community center.
- (4) Convalescent/nursing home*.
- (5) Fire station*.
- (6) Group home*.
- (7) Nursery school/day care center*.
- (8) Picnic grove*.
- (9) Place of worship*.
- (10) Public utility facility*.
- (11) School, public/private, not including trade school*.
- (12) Swimming club*.
- (13) Tennis club*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Moderate Density Suburban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

(E) Accessory Uses.

(1) Each accessory use in the Moderate Density Suburban District shall comply with the minimum yard requirements of §309(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Moderate Density Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Keeping animals or fowl.

- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9)
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pools (noncommercial).
- (q) Temporary retail sales.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Moderate Density Suburban District, except as specifically provided for this Chapter:

<u>Principal Use</u>	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			By Buildings	By Total Impervious Cover	(Stories) (Which ever is Less)	(Feet)
Any Permitted Use with Both Centralized Sewer and Water	8,000	70	45	60	3	30
Any Permitted Use Without Both Centralized Sewer and Water	43,560	150	20	40	3	30
Single-Family Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township's PRD Ordinance (Chapter XXI))					

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §309(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Moderate Density Suburban District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Permitted Use	30	8	20	30

*The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 309 of Section 2)

Section 310. Suburban/Semiurban District (SS).

(A) Purpose. The purpose of the Suburban/Semiurban District is to provide opportunities for single-family and two-family dwellings at moderate to high densities to retain and continue the existing suburban/semiurban character. Single-family cluster and planned residential development are provided as a desirable form of residential development that will permit the preservation of open space.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Suburban/Semiurban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Garden apartment*,**.
- (2) Forestry, including, but not limited to, timber harvesting*,**.
- (3) Public recreation.
- (4) Retirement community*,**.
- (5) Single-family attached dwelling*.
- (6) Single-family detached dwelling.
- (7) Single-family to multifamily conversions*.
- (8) Township-owned use, including Township park.
- (9) Two-family detached dwelling*.
- (10) Two-family semidetached dwelling*.

*Site plan review required. (see §409)

**See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Suburban/Semiurban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Cemetery or mausoleum*.
- (2) College or university*.
- (3) Community center.
- (4) Fire station*.
- (5) Group home*.
- (6) Nursery school/day care center*.
- (7) Place of worship*.
- (8) Public utility facility*.
- (9) School, public/private*.
- (10) Swimming club*.
- (11) Tennis club*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Suburban/Semiurban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use.

(E) Accessory Uses.

- (2) Each accessory use in the Suburban/Semiurban District shall comply with the minimum yard requirements of §310(H), except as specifically provided for in this Chapter.

- (3) Each of the following accessory uses shall be permitted in the Suburban/Semiurban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.

- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Keeping animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9)
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pool (noncommercial).
- (q) Temporary retail sales.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Suburban/Semiurban District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			By Buildings	By Total Impervious Cover	(Stories) (Which ever is Less)	(Feet)
Any Permitted Use with Both Centralized Sewer and Water	5,000	50	50	70	3	30
Any Permitted Use Without Both Centralized Sewer and Water	43,560	150	20	40	3	30
Planned Residential Development	(In accordance with the Township's PRD Ordinance (Chapter XXI))					

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §310(H) for the particular use.

(G) Lot Area, Width, Building Coverage and Height Restrictions for Single-Family Attached Dwellings and Garden Apartments. The requirements

listed in §321 under "Garden Apartment or Single-Family Attached Dwellings" shall apply, except the following additional standards shall also apply within the SS District:

(1) Numbers of Units Attached. A maximum of six (6) single-family attached and/or garden apartment dwelling units shall be attached in any form.

(2) Maximum Gross Density. A maximum gross density of seven (7) units per acre shall apply for garden apartments or single-family attached dwellings in the SS District rather than the maximum gross density stated in §322 for garden apartments and single-family attached dwellings.

(3) Setback of Garden Apartments From an Exterior Lot Line. A garden apartment shall be located a minimum of eighty (80) feet from any exterior lot line of a development.

(H) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Suburban/Semiurban District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Permitted Use	30	5	15	25

*The depth at which the minimum lot width shall be measured.

**If two (2) side yards exist.

(I) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 310 of Section 2)

Section 311. Urban District (U).

(A) Purpose. The purpose of the Urban District is to provide for more intensively developed residential areas where a wide variety of housing types are encouraged including single-family attached dwellings and apartments. Maintaining sufficient open area within residential developments in this district is encouraged to permit the dwellings to blend with the land's natural features and to ensure the new dwellings will be compatible with existing housing.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Urban District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Forestry, including, but not limited to, timber harvesting*,**.
- (2) Garden apartments*,**.
- (3) Retirement community*,**.
- (4) Single-family attached dwelling*,**.
- (5) Single-family detached dwelling.
- (6) Two-family semidetached dwelling*.
- (7) Two-family detached dwelling*.
- (8) Single-family to multifamily conversions*.
- (9) Township-owned use, including Township park.
- (10) Public recreation.

*Site plan review required (see §409).

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Urban District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Bed and breakfast*.
- (2) Boarding house*.
- (3) Cemetery or mausoleum*.
- (4) College or university*.
- (5) Community center.
- (6) Fire station*.
- (7) Group home*.
- (8) Nursery school/ day care center*.
- (9) Nursing home*.
- (10) Orphanages*.

- (11) Picnic grove*.
- (12) Place of worship*.
- (13) Public utility facility*.
- (14) School, public/private*.
- (15) Swimming club*.

*See §321 for additional requirements.

(D) Accessory Uses.

(1) Each accessory use in the Urban District shall comply with the minimum yard requirements in §311(F), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Urban District only if such use complies with the relevant standards contained in §324 of this Chapter.

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Keeping of animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pool (noncommercial).
- (q) Temporary retail sales.

(E) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Urban District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Any Use Other Than Garden Apartments or Single-Family Attached Dwellings	3,500	35	50	70	3	30
Garden Apartments or Single-Family Attached Dwellings	(See "Garden Apartments and Single-Family Attached Dwellings" in §321.)					

*For residential uses, this shall be the minimum lot area per dwelling unit.

**Measured at the Minimum Front Yard listed in §311(F) for the particular use.

(F) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Urban District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> <u>(feet)</u>	<u>Side Yard</u>		<u>Rear Yard</u> <u>(feet)</u>
		<u>One</u> <u>(feet)</u>	<u>Both</u> <u>(feet)</u>	
Any Permitted Use Other Than Garden Apartments or Townhouses	20	5	15	20
Garden Apartments or Townhouses	See "Garden Apartments and Townhouses" in §321.			

*The depth at which the minimum lot width shall be measured.

**If two side yards exist.

If one side yard exists, the side yard shall be ten (10) feet.

(G) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 311 of Section 2)

Section 312. Neighborhood Convenience Commercial District (NC).

(A) Purpose. The purpose of the Neighborhood Convenience Commercial District is to provide opportunities for small retail, personal and professional service uses which provide convenience goods and services to Township residents and others. This district, which would be located at selected existing highway/street intersections, will have development controls to ensure sign control, attractive setbacks and landscaping.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Neighborhood Convenience Commercial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Automobile accessories.
- (2) Business office*.
- (3) Convenience stores*,**.
- (4) Cultural center*.
- (5) Financial establishment*,**.
- (6) Forestry, including, but not limited to, timber harvesting*,**.
- (7) Government office*.
- (8) Laundry/laundromat*,**.
- (9) Medical clinic or medical office*,**.
- (10) Medical laboratory or blood donor station*,**.
- (11) Membership club or lodge*,**.
- (12) Musical instrument sales*.
- (13) Nursery school/day care center*,**.
- (14) Personal service establishment*.
- (15) Professional office*.
- (16) Recreation, public.
- (17) Restaurant, fast food*,**.
- (18) Restaurant, standard*,**.
- (19) Retail nurseries/supply stores*,**.
- (20) Retail store*,**.
- (21) Township-owned use, including Township park.
- (22) A combination of uses permitted by right*,**.

* Site plan review required (see §409).

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Neighborhood Convenience Commercial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Animal hospital*.
- (2) Automobile service station*.
- (3) Bakery.
- (4) Carwash*.
- (5) Cemetery or mausoleum*.
- (6) Civic, social, fraternal association*.
- (7) Community center.
- (8) Convalescent/nursing home*.
- (9) Energy systems, wind generated.
- (10) Fire station*.
- (11) Health club*.
- (12) Orphanages*.
- (13) Place of worship*.
- (14) Printing/publishing establishment*.
- (15) Public utility facility*.
- (16) Recreation, nonpublic indoor*.
- (17) Recreation, nonpublic outdoor*.
- (18) School, public/private*.
- (19) A combination of permitted uses, where one or more are special exception uses*.

* See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Neighborhood Convenience Commercial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter.

- (1) Shopping center*.
- (2) Single-family detached dwelling.
- (3) Two-family semidetached dwelling.

* See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Neighborhood Convenience Commercial District shall comply with the minimum yard requirements of §312(G), except as otherwise provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Neighborhood Convenience Commercial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Home occupation.
- (h) Interior service and convenience uses.
- (i) Keeping of animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Signs, in accordance with Part 6.
- (o) Swimming pool (non-commercial).
- (p) Temporary retail sales.
- (q) Warehousing and storage in an accessory structure.
- (r) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Neighborhood Convenience Commercial District, except as otherwise provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> (sq. ft.)	<u>Minimum Lot Width**</u> (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Any Use with Both Centralized Sewer and Water	10,000	40	60	75	2-1/2	30
Any Use without Both Centralized Sewer and Water	43,560	100	40	60	2-1/2	30

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §312(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Neighborhood Convenience Commercial District, except as otherwise provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> (feet)	<u>Side Yard</u>		<u>Rear Yard</u> (feet)
		<u>One</u> (feet)	<u>Both</u> (feet)	
Any Permitted Use	25	10	20	25

*The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 312 of Section 2)

Section 313. Planned Highway Commerce District (PHC)

(A) Purpose. The purpose of the Planned Highway Commerce District is to accommodate a wide variety of commercial activities which provide goods and services to the Township residents and others. This district includes commercial uses which will benefit from the proximity to the proposed highway. This district permits low density single family dwellings on lots large enough to provide for both on-lot sewage disposal and water supply while providing for

the opportunity to have somewhat smaller lots if public water and sewage facilities become available. Development controls will ensure sign control, attractive landscaping, traffic control and desirable setbacks.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Highway Commerce District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied:

- (1) Ambulatory surgical center*,**.
- (2) Animal hospital*,**.
- (3) Art, photography or dance studio*.
- (4) Automobile accessories.
- (5) Beverage distributor*.
- (6) Bakery*.
- (7) Business office*.
- (8) Catering establishment.
- (9) Construction company*.
- (10) Convenience store*,**.
- (11) Cultural center*.
- (12) Day care/nursery school*,**.
- (13) Financial establishment*,**.
- (14) Food stand*,**.
- (15) Forestry, including, but not limited to, timber harvesting*,**.
- (16) Fuel oil company*,**.
- (17) Funeral home*.
- (18) Government office*.
- (19) Holiday tree sales.
- (20) Hospital or medical center*,**.
- (21) Hotel/motel*,**.
- (22) Laundry/laundromat*,**.
- (23) Medical clinic or medical office*,**.
- (24) Medical laboratory or blood donor station*,**.
- (25) Membership club or lodge*,**.
- (26) Multiple use building*,**.
- (27) Musical instrument sales*.
- (28) Office equipment sales and service*,**.
- (29) Open air retail*,**.
- (30) Personal service establishment*.
- (31) Pet grooming establishment*. **.
- (32) Printing/publishing establishment*,**.
- (33) Professional office*.
- (34) Recreation, public.

- (35) Restaurant, fast food*,**.
- (36) Restaurant, fast food with drive-through service*,**.
- (37) Restaurant, standard*,**.
- (38) Retail nursery/greenhouse*,**.
- (39) Retail store*,**.
- (40) Self storage facility*,**.
- (41) Single family detached dwelling.
- (42) Tanning salon*.
- (43) Tavern*,**.
- (44) Temporary retail sales.
- (45) Township-owned use, including Township park.
- (46) A combination of uses permitted by right*,**.

* Site Plan Review required (see Section 409)

** See Section 321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Commerce District by the Zoning Hearing Board as a special exception in accordance with the standards contained in Section 322 of this Part.

- (1) Automobile repair*.
- (2) Automobile sales*.
- (3) Automobile service station*.
- (4) Bed and breakfast*.
- (5) Boarding house*.
- (6) Carwash*.
- (7) Cemetery*.
- (8) Drive-in theater*.
- (9) Fire station*.
- (10) Group home*.
- (11) Health club*.
- (12) Lumber yard*.
- (13) Massage parlor.
- (14) Place of worship*.
- (15) Public utility facility*.
- (16) Recreation, non-public indoor*.
- (17) Recreation, non-public outdoor*.
- (18) Single family detached dwelling in combination with a commercial activity*.
- (19) Swimming club*.
- (20) Taxi Terminal.
- (21) Tennis club*.

(22) Trade school.

* See Section 321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Commerce District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter.

- (1) Off-street parking not located on the same lot as the permitted principal use.
- (2) Shopping center*.
- (3) Race tracks, automobile or horse, with related wagering

* See Section 321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Planned Highway Commerce District shall comply with the minimum yard requirements of Section 313(G), except as otherwise provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Highway Commerce District only if such use complies with the relevant standards contained in Section 324 of this Part.

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Interior service and convenience uses.
- (j) Keeping animals or fowl.
- (k) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (l) Off-street parking, in accordance with Part 7.
- (m) Outdoor storage shed.
- (n) Private greenhouse.
- (o) Recreational vehicle.
- (p) Seasonal roadside produce market.

- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (non commercial).
- (s) Temporary retail sales.
- (t) Tennis court.
- (u) Warehousing and storage in an accessory structure.
- (v) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Highway Commerce District, except as provided for in this Chapter.

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories) (Feet)</u> <u>(Whichever is Less)</u>	
Any Use with Both Centralized Sewer and Water	10,000	100	40	75	2-1/2	30
Any Use without Both Centralized Sewer and Water	43,560	150	25	60	2-1/2	30

* Per dwelling unit for residential uses.

** Measured at the Minimum Front Yard listed in Section 313.(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Highway Commerce District, except as otherwise provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> <u>(feet)</u>	<u>Side Yard</u>		<u>Rear Yard</u> <u>(feet)</u>
		<u>One</u> <u>(feet)</u>	<u>Both</u> <u>(feet)</u>	
Any Permitted Use	25	10	20	25

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in Section 317(H) shall apply.

(I) Setbacks of Industrial Uses from Residential Uses. The same requirements as are listed in Section 317(I) shall apply.

(J) Setbacks of Non-residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 313 of Section 2)

Section 314. Planned Highway Interchange District (PHI).

(A) Purpose. The purpose of the Planned Highway Interchange District is to accommodate a variety of commercial activities which principally rely upon vehicular use. The District provides opportunities for office buildings and other compatible businesses that will serve industries/businesses as well as the needs for medical, financial, legal, engineering, architectural and other professional services.

(B) Uses Permitted by Right . Each of the following principal uses and their accessory uses are permitted by right in the Planned Highway Interchange District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied. These uses are permitted by right whether or not a Planned Business Development has been approved for the property on which these uses are proposed:

- (1) Automobile accessories*.
- (2) Automobile repair*,**.
- (3) Automobile Service Station*,**.
- (4) Bakery*.
- (5) Business office*.
- (6) Carwash*,**.
- (7) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communication equipment buildings*,**.
- (8) Food stand*,**.
- (9) Forestry, including, but not limited to, timber harvesting*,**.
- (10) Government office*.
- (11) Holiday tree sales.
- (12) Personal service establishment*.
- (13) Professional office*.
- (14) Recreation, non-public indoor*,**.

- (15) Recreation, non-public outdoor*,**.
- (16) Recreation, public.
- (17) Retail nursery/greenhouse*,**.
- (18) Self storage facility*,**.
- (19) Tanning salon*.
- (20) Temporary retail sales.
- (21) Township-owned use, including Township park.

* Site Plan Review required (see Section 409)

** See Section 321 for additional requirements.

(C) Uses Permitted by Right (Within a Planned Business Development). Each of the following principal uses and their accessory uses are permitted by right by the Zoning Officer within a Planned Business Development, for which Conditional Use approval has been obtained in the Planned Highway Interchange District, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied. See definition of Planned Business Development in Part 2:

- (1) Ambulatory surgical center*,**.
- (2) Animal hospital*,**.
- (3) Automobile sales*,**.
- (4) Convenience store*,**.
- (5) Day care/nursery school*,**.
- (6) Financial establishment*,**.
- (7) Hospital or medical center*,**.
- (8) Hotel/motel*,**.
- (9) Laundry/laundromat*,**.
- (10) Medical clinic or medical office*,**.
- (11) Medical laboratory or blood donor station*,**.
- (12) Musical instrument sales*.
- (13) Office equipment sales and service*,**.
- (14) Off-track betting parlor*,**.
- (15) Printing/publishing establishments*,**.
- (16) Restaurant, fast food*,**.
- (17) Restaurant, fast food with drive-through service*,**.
- (18) Restaurant, standard*,**.
- (19) Retail store*,**.
- (20) Shopping center*,**.
- (21) Tavern*,**.

* Site Plan Review required (see Section 409)

** See Section 321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses may be permitted within the Planned Highway Interchange District when authorized by the Board of Supervisors in accordance with the standards of Section 323 of this Chapter.

(1) Off-street parking not located on the same lot as the permitted principal use.

(2) Planned Business Development. See Section 314(G).

(E) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Interchange District by the Zoning Hearing Board as a special exception in accordance with the standards contained in Section 322 of this Chapter.

- (1) Auditorium*.
- (2) Communications towers and communications equipment buildings*.
- (3) Conference center*.
- (4) Cultural center
- (5) Fire station*.
- (6) Health club*.
- (7) Lumber yard*.
- (8) Public utility facility*.
- (9) Taxi terminal.

* See §321 for additional requirements.

(F) Accessory Uses.

(1) Each accessory use in the Planned Highway Interchange District shall comply with the minimum yard requirements of Section 314(I), except as otherwise provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Highway Interchange District only if such use complies with the relevant standards contained in Section 324 of this Chapter.

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.

- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Interior service and convenience uses.
- (j) Keeping animals or fowl.
- (k) Off-street parking, in accordance with Part 7.
- (l) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (m) Outdoor storage shed.
- (n) Private greenhouse.
- (o) Recreational vehicle.
- (p) Seasonal roadside produce market.
- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (non-commercial).
- (s) Temporary retail sales.
- (t) Tennis court.
- (u) Warehousing and storage in an accessory structure.
- (v) Accessory uses and structures which are clearly customary and incidental to the principal use.

(G) Standards for Approval of a Planned Business Development. To assure that the intent and requirements of the Planned Highway Interchange District are complied with, review and approval of a Planned Business Development is required, where specified, as a conditional use.

(1) Minimum Tract Size. 10 acres. See definition of tract size in Part 2.

(2) Retail and Shopping Center. No more than 10 acres of the Planned Business Development shall be devoted to retail and shopping center uses.

(3) Site Plan. A Site Plan is required. See Section 409.

(4) Information. The applicant shall present all available information on the types of tenants or uses that are intended or expected within the different portions of the development.

(5) Relationship to Surroundings. The applicant shall show how the development will be coordinated with access and utilities of other existing or proposed developments in the vicinity.

(6) Open Space and Landscaping. The application shall include an overall plan of open spaces and landscaping. The plan shall be implemented through a series of deed restrictions on each lot.

(7) Access.

(a) Coordinated access. Any Planned Business Development shall make the absolute maximum use possible of the interior streets, as opposed to numerous driveways entering onto existing public streets. Deed restrictions shall be placed on any individual lots that are created, to require access to the interior street system only.

(b) Easements for Access. The Board of Supervisors may, at the time of approval of a subdivision or land development within a Planned Business Development, require a lot or tract to provide an easement, stub street extension and/or street right of way extension for vehicular traffic to adjoining tracts to allow an efficient interior access system.

(8) Traffic Impact Study. When the proposed development would meet the criteria for a traffic study specified in the Subdivision and Land Development Ordinance (Chapter XXVII), or when determined necessary by the Township Engineer, an application for a Planned Business Development shall include a Traffic Impact Study addressing the anticipated impact of the proposed development.

(9) Staged Construction. If development is to occur in progressive stages, each stage shall be planned and occur so that the purposes and requirements of this Chapter are fully complied with at the completion of each stage. Each stage shall be shown on the plan.

(10) Lot Regulations. Any lot proposed to be created presently or in the future within a Planned Business Development shall be capable of complying with the Lot and Yard requirements of Sections 314(J) and (K) of this Chapter.

(11) Information on Covenants. A Planned Business Development shall include a reasonable set of deed restrictions or covenants imposed by the developer on each lot. These covenants should cover types of uses, maintenance of lots and commercial operations, with a proper means for enforcement. The covenants shall also be written to carry out the purposes and requirements of a Planned Business

Development. The language of these covenants shall be presented to the Township before a Planned Business Development is approved.

(12) Sewer and Water. All lots within a Planned Business Development shall be provided with centralized sewer and water services.

(H) Lot Area, Width, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Highway Interchange District, except as provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> (sq. ft.)	<u>Minimum Lot Width**</u> (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Any Use with Both Centralized Sewer and Water	10,000	100	60	75	3-1/2	60
Any Use without Both Centralized Sewer and Water	43,560	150	40	60	3-1/2	60

* Measured at the Minimum Front Yard listed in Section 314(I) for the particular use.

(I) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Highway Interchange District, except as otherwise provided for in this Chapter.

<u>Principal Use</u>	<u>Front Yard*</u> (feet)	<u>Side Yard</u>			<u>Rear Yard</u> (feet)
		<u>One</u> (feet)	<u>Both</u> (feet)		
Any Use	50	20	40		30

* The depth at which the minimum lot width shall be measured.

(J) Off-Street Parking Setback. The same requirements as are listed in Section 317(H) shall apply.

(K) Setbacks of Industrial Uses from Residential Uses. The same requirements as are listed in Section 317(I) shall apply.

(L) Setbacks of Non-Residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 314 of Section 2)

Section 315. Planned Highway Transitional District (PHT)

(A) Purpose. The purpose of the Planned Highway Transitional District is to provide an area to allow for a smooth transition between the uses permitted within the Planned Highway Interchange District and the adjoining residential districts. This District permits low density single family dwellings on lots large enough to provide for both on-lot sewage disposal and water supply while providing for the opportunity to have somewhat smaller lots if public water and sewage facilities become available. This District also permits selective commercial development to promote a compatible mix of professional, business and residential uses. Open space developments and planned residential development are also provided as a desirable alternative to conventional single family developments.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Highway Transitional District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied:

- (1) Communications antennae mounted on an existing public utility, transmission tower, building or other structure, and communication equipment buildings*,**.
- (2) Day care/nursery school*,**.
- (3) Forestry, including but not limited to, timber harvesting*,**.
- (4) Golf course**.
- (5) Open Space Development in accordance with Section 901 (Appendix A)*.
- (6) Recreation, non-public indoor*,**.
- (7) Recreation, nonpublic outdoor*,**.
- (8) Recreation, public.
- (9) Retail nursery/greenhouse*,**.
- (10) Single family detached dwelling, in accordance with the provisions of §315(F), §315(G), and §321 **.

(11) Township-owned use, including Township park.

* Site Plan Review required (see Section 409)

** See Section 321(B) for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Transitional District by the Zoning Hearing Board as a special exception in accordance with the standards contained in Section 322 of this Chapter.

- (1) Animal hospital*.
- (2) Business office.
- (3) Bus terminal*.
- (4) Cemetery*.
- (5) Communications towers and communications equipment buildings*.
- (6) Community center.
- (7) Conference center*.
- (8) Financial establishment*.
- (9) Fire station*.
- (10) Health club*.
- (11) Lumber yard*.
- (12) Medical clinic or medical office*.
- (13) Medical laboratory or blood donor station*.
- (14) Picnic grove*.
- (15) Place of worship*.
- (16) Professional office.
- (17) Public utility facility*.
- (18) School, public/private, not including trade school*.
- (19) Swimming club*.
- (20) Tennis club*.

* See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted within the Planned Highway Transitional District when authorized by the Board of Supervisors in accordance with the standards contained in Section 323 of this Chapter.

- (1) Off-street parking not located on the same lot as the permitted principal use.

(2) Single-family detached dwelling, in accordance with the provisions of §315(F), §315(G), and §321 **.

* Site Plan Review required (see Section 409)

** See Section 321 for additional requirements

(E) Accessory Uses.

(1) Each accessory use in the Planned Highway Transitional District shall comply with the minimum yard requirements of Section 315(G), except as otherwise provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Highway Transitional District only if such use complies with the relevant standards contained in Section 324 of this Chapter.

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Interior services and convenience uses.
- (l) Keeping animals or fowl.
- (m) Off-street parking, in accordance with Part 7.
- (n) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (o) Outdoor storage shed.
- (p) Private greenhouse
- (q) Recreational vehicle.
- (r) Seasonal roadside produce market.
- (s) Signs, in accordance with Part 6.
- (t) Storage in an accessory structure.
- (u) Swimming pool (non-commercial).
- (v) Temporary retail sales.
- (w) Tennis court.
- (x) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage, and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Highway Transitional District, except as provided for in this Chapter.

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Which ever is Less)</u>	<u>(Feet)</u>
Single-Family Detached Dwelling & Mobile/Manufactured Home: -With Both Centralized Sewer and Water	20,000	150	10	20	2-1/2	30
Single-Family Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township's PRD Ordinance (Chapter XXI))					
All Other Permitted Uses with Both Centralized Sewer and Water - Per Lot	20,000	150	10	20	2-1/2	30
Any Permitted Uses Without Centralized Sewer and Water	130,680 (3 acres)	200	5	10	2-1/2	30

* Per dwelling unit for residential uses.

** Measured at the Minimum Front Yard listed in Section 315(J) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Highway Transitional District, except as otherwise provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Permitted Use	50	25	60	30

* The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in Section 317(H) shall apply.

(Ordinance No. 335, March 26, 2007, Section 315 of Section 2)

Section 316. Planned Office/Business District (POB).

(A) Purpose. The purpose of the Planned Office/Business District is to provide opportunities for modern office buildings, residential uses and other compatible businesses that will serve industries/businesses as well as the needs for medical, financial, legal, architectural and other professional services. Development controls will ensure sign control, attractive landscaping, desirable setbacks, traffic control and compatibility with adjacent residential uses.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Office/Business Commercial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied.

- (1) Art, photography or dance studio*.
- (2) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings*,**.
- (3) Business office, including banking facilities.
- (4) Conference/training center*,**.
- (5) Cultural center*.
- (6) Government office*.
- (7) Forestry, including but not limited to, timber harvesting*,**.
- (8) Financial establishments, including banking and banking operations center and automated banking machines*,**.
- (9) Medical office or medical clinic*,**.

- (10) Medical laboratory or blood donor station*,**.
- (11) Multiple use building*,**.
- (12) Nursery school/day care center.
- (13) Professional office building*.
- (14) Recreation, non-public indoor*,**.
- (15) Recreation, non-public outdoor*,**.
- (16) Recreation, public, including golf courses.
- (17) Township-owned use, including Township park.

* Site plan review required. (see §409)

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Office/Business Commercial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Ambulatory surgical center*.
- (2) Animal hospital*.
- (3) Auditorium*.
- (4) Cemetery/mausoleum*.
- (5) Colleges or universities, including dormitories as a clearly accessory use, restricted to students of such college or institution*.
- (6) Communications towers and communications equipment buildings*.
- (7) Fire station*.
- (8) Personal service establishment.
- (9) Place of worship*.
- (10) Printing/publishing establishments*.
- (11) Public utility facility*.
- (12) Research, engineering or testing*.
- (13) School, public/private*.
- (14) Scientific/electronic instruments manufacturing*.
- (15) Tennis, exercise or racquetball clubs and closely similar recreational facilities*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Office/Business Commercial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Automobile accessories.
- (2) Health club*.
- (3) Heliport*.
- (4) Hospital or medical center*.
- (5) Hotel, motel including restaurants*.
- (6) Office equipment sales/service*.
- (7) Off-street parking not located on the same lot as the permitted principal use.
- (8) Restaurants, standard*.
- (9) Retail nursery/greenhouse.
- (10) Retail store*.
- (11) Shopping center*, including restaurants and health clubs.
- (12) Single-family detached dwellings*.
- (13) Vehicle wash preventive maintenance center*.

* See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Planned Office/Business District shall comply with the minimum yard requirements of §316(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Office/Business District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Holiday tree sales.
- (f) Interior service and convenience uses.
- (g) No-Impact home-based businesses, subject to the provisions of Section 324(C)(9).
- (h) Off-street parking.
- (i) Outdoor storage shed.
- (j) Signs, in accordance with Part 6.
- (k) Temporary retail sales.
- (l) Accessory uses and structures which are clearly customary and incidental to the principal use

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Office/Business Commercial District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Which ever is Less)</u>	<u>(Feet)</u>
Single-Family Detached Dwelling & Mobile/Manufactured Home: With Both Centralized Sewer and Water	10,000	70	40	55	2-1/2	30
Single-Family Cluster Development	(In accordance with Section 901 (Appendix A))					
Planned Residential Development	(In accordance with the Township's PRD Ordinance (Chapter XXI))					
All Other Permitted Uses with Both Centralized Sewer and Water - Per Lot	10,000	100	60	75	3-1/2	60
Any Use Without Centralized Water and Sewer	43,560	150	40	60	3-1/2 (whichever is less)	60

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §316(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use of the Planned Office/Business Commercial District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Non-Residential Use	50	20	40	30
Residential Use				
-SFD	30	8	20	30
-SFD Cluster	20	5	10	30

*The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setback. The same requirements as are listed in §317(H) shall apply.

(I) Setbacks of Industrial Uses From Residential Uses. The same requirements as are listed in §317(I) shall apply.

(J) Setbacks of Nonresidential Buildings From Residential Uses. Any nonresidential buildings shall be set back a minimum of seventy-five (75) feet from the property boundary line of any existing principally residential use and from the boundary of any residential district, and furthermore, wherever a zoning district boundary line exists between a planned office business (PO/B) zoning district and any residential zoning district which does not coincide with a property boundary, the aforementioned setback shall be measured from the portion of the property boundary line located within the residential zoning district, which does not coincide with the zoning district boundary line. The provisions of this subsection shall not apply to industrial buildings and/or uses (see §316(I)).

(Ordinance No. 335, March 26, 2007, Section 316 of Section 2; as amended by Ordinance No. 354, March 10, 2008, Sections 1 and 2)

Section 317. Planned Business and Residential District (PBR).

(A) Purpose. The purpose of the Planned Business and Residential District is to provide opportunities for a compatible mixture of retail, personal service, other business and residential uses. Development controls will ensure sign control, attractive landscaping, desirable setbacks and compatibility between adjoining uses.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Business and Residential Commercial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied. Permitted uses are subject to the performance standards contained in Part 5.

(1) Any use listed as permitted by right in the Rural Conservation, Rural/Suburban, Suburban/Semiurban Residence Districts, Neighborhood Convenience Commerce District, the Planned Industry/Business Industrial District and the Urban District.

(2) Art, photography or dance studio*.

(3) Funeral home.

(4) Holiday tree sales.

(5) Multiple use building*,**.

(6) Open air retail*,**.

(7) Pet grooming establishment.

(8) Temporary retail sales.

* Site plan review required (see Section 409)

** See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Business and Residential Commercial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

(1) Cemetery*.

(2) Fire station*.

(3) Open air retail sales of agricultural products*.

(4) Public utility facility*.

(5) Single family detached dwelling in combination with a commercial activity*.

* See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Business and Residential Commercial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

(1) Shopping Center*.

* See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Planned Business and Residential Commercial District shall comply with the minimum yard requirements of §317(G) except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Business and Residential Commercial District only if such use complies with the relevant standards contained in §324 of this Chapter.

(a) Any uses listed as accessory in the Rural Conservation, Rural/Suburban, Suburban, Suburban/Semiurban Residence Districts, Neighborhood Convenience Commerce District, the Planned Industry/Business Industrial District and the Urban Districts.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Business and Residential Commercial District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Which ever is Less)</u>	<u>(Feet)</u>
Residential Uses With Both Centralized Sewer and Water	5,000	50	50	70	2-1/2	30
Commercial Uses With Both Centralized Sewer and Water	20,000	100	40	75	2-1/2	30
Industrial Use With Both Centralized Sewer and Water	20,000	150	60	75	2-1/2	30
Open Space Development	(In accordance with Section 901 (Appendix A))					
Any Permitted Use Without Both Centralized Sewer and Water	43,560	150	60	75	2-1/2	30

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §317(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Business and Residential Commercial District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Residential Use	30	5 10**	15 10**	25
Any Other Permitted Use	25	50	100	50
Industrial Use	50	25	50	25

*The depth at which the minimum lot width shall be measured.

**If only one side yard.

(H) Off-Street Parking Setback

(1) An off-street parking setback shall apply to all nonresidential uses and to garden apartments.

(2) No off-street parking shall be located within ten (10) feet of the existing right-of-way line of any public street.

(3) In addition, if a lot or a tract has an average width greater than two hundred and fifty (250) feet, a front yard improvement setback of twenty-five (25) feet shall be required from the existing right-of-way line of any arterial street.

(I) Setbacks of Industrial Uses From Residential Uses. No industrial structure or use, loading or unloading area, truck parking area nor outside storage area shall be located within one hundred and twenty (120) feet of the lot line of an existing principally residential use and the boundary of an RS, LDS, MDS, SS or U District, unless the property owner of that adjacent land specifically waives their right to the setback in writing.

(J) Setbacks of Non-Residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 317 of Section 2)

Section 318. Planned Industry/Business District (PIB).

(A) Purpose. The purpose of the Planned Industry/Business District is to provide opportunities for light industrial uses and for a variety of compatible businesses, offices and appropriate commercial uses. Development controls will ensure excellence in site planning, stringent traffic control and attractive and compatible development.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Industry/Business Industrial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Auditorium*,**.
- (2) Bottling industry*,**.
- (3) Bulk photo processing*.
- (4) Business office*.
- (5) Ceramic products industry*.
- (6) Day care center*,**.
- (7) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings*,**.
- (8) Financial establishment*,**.
- (9) Food processing*.
- (10) Forestry, including but not limited to, timber harvesting*,**.
- (11) Furniture manufacturing*.
- (12) Government office*.
- (13) Greenhouse/nursery*,**.
- (14) Health club*,**.
- (15) Manufacturing*.
- (16) Medical laboratory or blood donor station*,**.
- (17) Medical office or medical clinic*,**.
- (18) Multiple use building*,**.
- (19) Printing/publishing establishment*,**.
- (20) Professional office*.
- (21) Recreation, public*.
- (22) Research, engineering or testing*,**.
- (23) Restaurant, standard*,**.
- (24) Scientific/electronic instruments manufacturing*,**.
- (25) Self storage facility*,**.
- (26) Textile/garment industry*.
- (27) Township-owned use, including Township park.
- (28) Warehouse*,**.

(29) Wholesale*,**.

*Site plan review required (see §409).

**See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Industry/Business Industrial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Animal hospital*.
- (2) Assembly and packaging establishment.
- (3) Automobile accessories.
- (4) Bakery.
- (5) Bus terminal*.
- (6) Communications towers and communications equipment buildings*.
- (7) Construction company.
- (8) Fire station*.
- (9) Lumber yard*.
- (10) Metal fabrication.
- (11) Millwork and other wood products.
- (12) Office equipment sales and service*.
- (13) Public utility facility*.
- (14) Retail stores*.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Industry/Business Industrial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Heliport*.

*See §321 for additional requirements.

(E) Accessory Uses.

- (1) Each accessory use in the Planned Industry/Business Industrial District shall comply with the minimum yard requirements of §318(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Industry/Business Industrial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Interior service and convenience uses.
- (i) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (j) Off-street parking, in accordance with Part 7.
- (k) Outdoor storage shed.
- (l) Private greenhouse.
- (m) Signs, in accordance with Part 6.
- (n) Temporary retail sales.
- (o) Tennis court.
- (p) Warehousing or storage in an accessory structure.
- (q) Retail use accompanying an industrial use for the sale of the product(s) manufactured, produced or stored in the same building.
- (r) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Industry/Business Industrial District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			By Buildings	By Total Impervious Cover	(Stories)	(Feet) (Whichever is Less)
Any Permitted Uses	87,120	200	50	75	3-1/2	50

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §318(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Industry/Business Industrial District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Any Permitted Use	50	25	50	25

*The depth at which the minimum lot width shall be measured.

(H) Improvement Setbacks. The same requirements as are listed in §317(H) shall apply.

(I) Setbacks of Industrial Uses From Residential Uses. The same requirements as are listed in §317(I) shall apply.

(J) Setbacks of Non-residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 318 of Section 2)

Section 319. Extractive Industry District (EI).

(A) Purpose. The purpose of the Extractive Industry District is to provide opportunities for uses which depend upon open areas for mining, manufacturing or storage. Development controls will ensure these uses are located, operated and maintained so as not to adversely affect either adjoining properties or the public health, safety and welfare of present and future Township residents.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Extractive Industry District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Bulk photo processing*.
- (2) Commercial stable or riding academy*,**.
- (3) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings*,**.
- (4) Food processing*.

- (5) Forestry, including but not limited to, timber harvesting*,**.
- (6) Fuel oil company*,**.
- (7) Furniture manufacturing*.
- (8) Greenhouse/nursery*,**.
- (9) Manufacturing*.
- (10) Membership club or lodge*,**.
- (11) Metal fabrication*.
- (12) Mineral extraction*,**.
- (13) Orchard.
- (14) Picnic grove (private)**.
- (15) Recreation, public*.
- (16) Research, engineering or testing*,**.
- (17) Sawmill/planing mill*,**.
- (18) Self storage facility*,**.
- (19) Textile/garment industry*.
- (20) Township-owned use, including Township park.
- (21) Warehouse*,**.
- (22) Wildlife sanctuary**.

*Site plan review requirements (See §409).

**See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Extractive Industry District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Assembly and packaging establishment.
- (2) Automobile wrecking or junkyard*,**.
- (3) Bottling industry*.
- (4) Ceramic products industry.
- (5) Chemical products industry.
- (6) Communications towers and communications equipment buildings*.
- (7) Construction company.
- (8) Fire station*.
- (9) Paper/pulp mill.
- (10) Public utility facility*.
- (11) Single-family detached dwelling.
- (12) Slaughterhouse.
- (13) Solid waste disposal area facility*.
- (14) Swimming club*.
- (15) Tennis club*.

(16) Other industrial uses not listed above.

*See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Extractive Industry District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

(1) Heliport*.

See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Extractive Industry District shall comply with the minimum yard requirements of §319(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Extractive Industry District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Interior service and convenience uses.
- (h) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (i) Off-street parking, in accordance with Part 7.
- (j) Outdoor storage shed.
- (k) Private greenhouse.
- (l) Signs, in accordance with Part 6.
- (m) Temporary retail sales.
- (n) Warehousing or storage in an accessory structure.
- (o) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Extractive Industry District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(acres)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Which ever is Less)</u>	<u>(Feet)</u>
Any Permitted Use	5	500	60	75	3-1/2	50

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §319(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Extractive Industry District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> <u>(feet)</u>	<u>Side Yard</u>		<u>Rear Yard</u> <u>(feet)</u>
		<u>One</u> <u>(feet)</u>	<u>Both</u> <u>(feet)</u>	
Any Permitted Use	20	100	200	100

*The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setbacks. The same requirements as are listed in §317(H) shall apply.

(I) Setbacks of Industrial Uses From Residential Uses. The same requirements as are listed in §317(I) shall apply.

(J) Setbacks of Non-residential Buildings From Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 319 of Section 2)

Section 320. Fuel Storage District (FS).

(A) Purpose. The purpose of the Fuel Storage District is to provide an area to accommodate fuel storage facilities. Special performance standards, attractive landscaping and screening and other development controls will help ensure the safe operation of uses in this district and help ensure compatibility with adjoining land uses.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Fuel Storage Industrial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

- (1) Business office*.
- (2) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment building*,**.
- (3) Forestry, including but not limited to, timber harvesting*,**.
- (4) Fuel oil company*,**.
- (5) Fuel storage tank farm or fuel products terminal*,**.
- (6) Greenhouse/nursery*,**.
- (7) Orchard.
- (8) Recreation, public.
- (9) Self storage facility*, **
- (10) Township-owned use, including Township park.
- (11) Warehouse*,**.

**Site Plan review requirements (See Section 40

**See Section 321 for additional requirements

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Fuel Storage Industrial District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Adult business use*.
- (2) Assembly and packaging establishment.
- (3) Chemical products industry.
- (4) Communications towers and communications equipment buildings*.
- (5) Fire station*.
- (6) Metal fabrication.
- (7) Public utility facility*.

- (8) Truck terminal*.
- (9) Other industrial uses not listed above.

See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Fuel Storage Industrial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Heliport.

(E) Accessory Uses.

(1) Each accessory use in the Fuel Storage Industrial District shall comply with the minimum yard requirements of §320(G), except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Fuel Storage Industrial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Bus shelter.
- (b) Energy systems, solar.
- (c) Energy systems, wind generated.
- (d) Farm pond.
- (e) Fence and wall.
- (f) Garage.
- (g) Holiday tree sales.
- (h) Interior service and convenience uses.
- (i) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (j) Off-street parking, in accordance with Part 7.
- (k) Outdoor storage shed.
- (l) Private greenhouse.
- (m) Signs, in accordance with Part 6.
- (n) Temporary retail sales.
- (o) Warehousing or storage in an accessory structure.
- (p) Accessory uses and structures which are clearly customary and incidental to the principal use.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Fuel Storage Industrial District, except as specifically provided for in this Chapter.

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(acres)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u> <u>(Whichever is Less)</u>	<u>(Feet)</u>
Any Permitted Use	5	500	60	75	3-1/2	50

*Per dwelling unit for residential uses.

**Measured at the Minimum Front Yard listed in §320(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Fuel Storage Industrial District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Front Yard*</u> <u>(feet)</u>	<u>Side Yard</u>		<u>Rear Yard</u> <u>(feet)</u>
		<u>One</u> <u>(feet)</u>	<u>Both</u> <u>(feet)</u>	
Any Permitted Use	50	30	60	50

*The depth at which the minimum lot width shall be measured.

(H) Off-Street Parking Setbacks. The same requirements as are listed in §317(H) shall apply.

(I) Setbacks of Industrial Uses From Residential Uses. The same requirements as are listed in §317(I) shall apply.

(J) Setbacks of Non-residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply.

(Ordinance No. 335, March 26, 2007, Section 320 of Section 2)

Section 321. Compliance and Performance Standards for Certain Principal Uses.

(A) Compliance Required. Each of the following principal uses shall also comply with the additional requirements for that use listed in this Section. (A site plan may be required per §409).

(B) Additional Requirements.

(1) Adult Business Use.

(a) No such use shall be located within five hundred (500) lineal feet of the boundary of any residential district or the property boundary line of any existing principally residential use, public or private school, day care center, place of worship, playground or public recreation facility or another adult business use.

(b) A thirty (30) foot buffer yard shall be provided along the side and rear lot lines in accordance with §405(I).

(c) No adult business use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from outside the establishment or business. This provision shall apply to any display decoration, sign, show window, door or other opening.

(d) No adult business use shall be conducted in a manner that violates any of the provisions of this Chapter or any other Federal, State, County or Municipal regulation.

(e) Precautions shall be made to prohibit minors from entering the premises.

(f) No such use shall be combined with the sale of alcoholic or intoxicating beverages.

(g) No adult business use may change to another type of adult business use except upon application to and approval by the Zoning Hearing Board of such change as a Special Exception.

(h) If employees or patrons of an adult business use promote, solicit, allow or engages in acts of prostitution on the premises, as charged by the appropriate law enforcement authorities, then the zoning permit shall be suspended. Should said employees or patrons be convicted or plead guilty to said charges of prostitution as described above, then the zoning permit shall be revoked.

(2) Agriculture, General.

(a) The minimum size of a farm shall be three (3) acres, except that five (5) acres shall be required in the RHA District and ten (10) acres shall be required wherever the agricultural activity includes animal husbandry.

(b) Farm outbuildings for agricultural activities not involving animal husbandry, other than a dwelling, shall not be constructed closer than seventy-five (75) feet to any exterior property line.

(c) When the agricultural activities involve animal husbandry, barns, animal shelters, stables, feed yards, slaughter areas or manure storage areas, such activities shall not be located closer than five hundred (500) feet from all exterior property lines and dwellings except the dwelling of the owner or lessee.

(d) When the agricultural activities involve animal husbandry, additions to existing barns, animal shelters, stables, feed yards or manure storage areas, such activities shall not be located closer than one hundred fifty (150) feet from all exterior property lines

(e) All grazing or pasture areas utilized for this purpose shall be fenced.

(f) Crop storage areas shall not occupy any part of the required front, side or rear yards. The applicable outdoor storage control provisions of §509 shall be met.

(g) A farm use shall be maintained in a way which does not create a danger to public safety or health. The fact that a farm use creates an annoyance or inconvenience shall not be deemed a danger to public safety or health.

(h) Any new or expanded structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (1) 1000 feet from any lot line of an existing dwelling and from the boundary of a residential district; (2) 300 feet from any other exterior lot line.

(i) The setbacks from property lines in this Section shall not apply from dwellings or residential lots owned by: (1) the owner or operator of the livestock use; or (2) affected property owners providing a written notarized letter waiving such setback. A waiver of the setback by the current owner shall be binding upon future owners. The Township may require that such waiver be recorded with the deed.

(j) Any agricultural use that exceeds an average of 2 or more "animal equivalent units" ("AEUs") per acre shall be regulated as an intensive agriculture use. The following minimum contiguous acreage in common ownership shall be required for the following average AEUs per acre:

<u>Acres of Contiguous Land</u>	<u>Maximum Average AEUs per Acre If the Use does not Primarily Involve Swine or Ducks</u>
Less than 10 acres	0.5
10 to 25 acres	2.0
(See intensive agriculture)	Greater than 2.0

<u>Acres of Contiguous Land</u>	<u>Maximum Average AEUs per Acre If the Use Primarily Involves Swine or Ducks</u>
Less than 10 acres	0.5
10 to 25 acres	1.5
More than 25 acres	2.0
(See intensive agriculture)	Greater than 2.0

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

(k) The following intensive agriculture activities shall be prohibited:

1) The construction or operation of a separate building for the cultivation of mushrooms.

2) The raising of pigs and poultry, if such activity constitutes more than one-third ($1/3$) of all farm income.

3) The ownership of horses, donkeys, mules, cows, sheep, goats and pigs, if the total number of such animals shall exceed two and one-half ($2\frac{1}{2}$) the number of farm acres.

4) The seasonal display and sale of farm products. See §324, "Seasonal Roadside Produce Market."

(3) Agriculture, Intensive. Intensive agriculture activities include, but are not limited to, mushroom farms, poultry and egg production and dry lot farms, wherein the character of the activity involves a more intense use of land than found in normal farming operation.

(a) A minimum lot size of ten (10) acres is required for intensive agricultural activities; which shall be so located on the lot as to provide front, side and rear yards of two hundred (200) feet. The maximum height of buildings used for intensive agricultural use is thirty-five (35) feet or two and one-half ($2\frac{1}{2}$) stories, excluding appurtenances.

(b) A minimum lot size of 25 acres is required for intensive agricultural activities not primarily involving swine or ducks having an average AEU per acre exceeding 5.0.

(c) A minimum lot size of 25 acres is required for intensive agricultural activities involving swine or ducks having an average AEU per acre exceeding 2.0

(d) A fence shall be maintained along the property lines. Where Zoning Hearing Board approval is necessary, the Board may require fencing along streams where necessary to control water pollution and erosion from animals.

(e) Commercial composting is prohibited. Any onsite composting shall be limited for use on the premises on which such composting is made and produced.

(f) Solid and liquid wastes shall be disposed of daily in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an intensive agricultural user.

(g) Dry lot feeding situation shall be permanently paved.

(h) The raising of mushrooms shall comply with the PADEP publication entitled "Best Practices for Environmental Protection in the Mushroom Farm Community", (1997) or its successor publication. Such document is hereby incorporated by reference. Any raising of mushrooms shall use bunker composting within a substantially enclosed building using positive aeration or a method that the applicant proves has a similar reduction on odors. Any area used for the storage, loading, processing and/or packaging of septage or spent mushroom compost as part of the raising of mushrooms shall be setback a minimum of: (1) 1000 feet from any lot line of an existing dwelling and from the boundary of a residential district; (2) 500 feet from any other exterior lot line, unless written permission for a smaller setback is obtained from the adjoining property owner(s).

(i) Any new or expanded structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (1) 1000 feet from any lot line of an existing dwelling and from the boundary of a residential district; (2) 500 feet from any other exterior lot line, unless written permission for a smaller setback is obtained from the adjoining property owner(s).

(j) The setbacks from property lines in this Section shall not apply from dwellings or residential lots owned by: (1) the owner or operator of the livestock use; or (2) affected property owners providing a written notarized letter waiving such setback. A waiver of the setback by the current owner shall be binding upon future owners. The Township may require that such waiver be recorded with the deed.

(k) For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.

(l) New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:

1) not be located within the Identified Floodplain Area;

2) not be located within 100 feet of a perennial stream, river, Watercourse, spring, lake, pond or reservoir;

3) comply with all State, County and local requirements, including all PADEP wellhead protection provisions.

4) Not be located within 100 feet of an active public drinking well or an active intake for a public water supply.

(m) New or expanded manure storage and composting facilities shall not be located within 200 feet of a property-line. The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line.

(n) The following additional requirements shall apply to an Intensive Agricultural use:

1) A site plan shall be submitted to the Township showing the locations of all features regulated by this Chapter. The applicant shall submit the plans to the County Conservation District and the Berks County Cooperative Extension for review. A soil conservation plan shall be submitted to the Conservation District. A stormwater management plan shall be submitted to the Township Engineer, who shall provide a review to the Zoning Hearing Board and/or Zoning Officer. The applicant shall be responsible to pay for the costs of such reviews;

2) A written plan shall be submitted, and complied with, describing methods that will be used to control odors, insects, rodents, health hazards, surface water pollution and groundwater pollution, including methods to avoid and contain accidental spills. Such plan shall be complied with, as a condition of any Township approval. Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. The best available management practices shall be used to minimize odor nuisances, however, an applicant shall not be required to completely eliminate all odors at property lines. Such plan shall describe methods that will be used to properly dispose of dead animals;

3) The applicant shall show compliance with applicable State and Federal environmental regulations;

4) When special exception approval is required, the applicant shall prove to the satisfaction of the Zoning Hearing Board that:

a. The location of the facility is based upon a consideration of prevailing wind patterns.

b. A 50 feet wide area of substantial new and/or preserved trees and shrubs shall be provided abutting or across a street from any lot line of an existing dwelling. This landscaping shall only be required if all of the following conditions exist: a) the dwelling existed at the time of adoption of this Section, b) the dwelling is within 250 feet of the intensive agriculture operations and c) the intensive

agriculture buildings are visible from the dwelling. The landscaping plan shall be subject to approval as part of the special exception, and shall be designed to substantially filter views between homes and the agricultural operations. A solid continuous evergreen screen is not required. A mix of species shall be used, and straight rows shall be avoided.

c. The driveway, driveway entrance and adjacent roads will be suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Board may require that the driveway be improved as necessary to control dust. A turnaround and maneuvering space shall be provided so that trucks do not need to back out onto or obstruct a public road.

d. Sufficient water supplies are available to serve the facility so as to not cause insufficient water supplies for existing and prospective on-site water users within the vicinity during dry periods, based upon a study by a professional hydrologist. A test well shall be used, and permission shall be sought to examine the impact upon neighboring wells.

e. The Zoning Hearing Board shall have the authority to establish a maximum average level of Animal Equivalent Units per acre, as the Board deems necessary to protect public health and safety, protect water quality and moderate nuisances upon the community.

5) The applicant shall provide a written comparison of the proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, PADEP, Pennsylvania State University and industry associations, including Penn State University's Manure Management Manual and "Environmental Standards for Production for Large Pork Producers."

(4) Ambulatory Surgical Center

(a) An ambulatory surgical center shall have a minimum lot area of five (5) acres.

(b) An ambulatory surgical center shall be located on a lot abutting and having direct vehicular access onto an arterial or collector street as defined in this Chapter.

(c) Sewer and Water. All buildings within a hospital or medical center shall be provided with centralized sewer and water services.

(d) An ambulatory surgical center may include various accessory uses that are customarily incidental to and in direct support of the primary health care mission of the ambulatory surgical center. Such accessory uses shall be located within the same building as the ambulatory surgical center and could include the following facilities, which shall be integrated with the hospital facilities:

Medical and administrative offices.

Medical laboratory.

Interior service and convenience uses.

(e) Services provided shall be those that do not require overnight stay; however, overnight accommodations may be provided for patients when unanticipated medical circumstances would require that the patient remain overnight.

(f) Only the accessory uses listed above or those associated with a commercial district shall be permitted.

(g) Parking. Where an ambulatory surgical center contains any of the accessory uses listed above (regardless of whether each use is listed in Table 7.1 or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate principal and accessory use.

(h) The facility shall comply with all applicable Federal, State, County and local regulations and shall be licensed as required by the State.

(i) Lighting for buildings, accessways and parking areas shall comply with the requirements of §513 and §703(E).

(5) Amusement Establishments.

(a) The lot or property line of any such establishment shall be no closer than three hundred feet (300') to the lot or property line of any place of worship, school, playground or other recreation area, day care center, nursery or public library.

(b) The lot or property line of such establishment shall not be located within one thousand feet (1,000') of any similar establishment or business.

(c) Amusement machines shall not be operated or played between 10:00 p.m. and 7:00 a.m.

(d) The use shall comply with the requirements for Recreation, Nonpublic Indoor listed in this Section.

(e) All buildings shall be adequately sound proofed so that sounds generated with the buildings cannot be perceived at the lot lines.

(6) Animal Hospital.

(a) A minimum lot size of at least two (2) acres shall be required for those animal hospitals treating small animals (e.g., dogs, cats, birds, exotic animals). A minimum lot size of at least three (3) acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).

(b) All buildings in which animals are housed or provided care shall be located at least one hundred (100) feet from all lot lines. Buildings shall be adequately soundproofed so that sounds outside the building will be minimized and not result in a nuisance.

(c) Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

(d) An animal hospital shall not include animal shelters or kennels.

(e) Animals may be kept overnight on a limited basis, usually for a single night as a follow-up to specific treatment that requires such a stay. Animals that are kept overnight must remain inside the building and may be taken outside for a limited time only by office staff.

(7) Apartments, Garden. See "Garden Apartments" and "Single-Family Attached Dwellings" in this Section.

(8) Auditorium.

(a) A twenty (20) foot buffer yard shall separate an off-street parking area from an adjoining lot line.

(b) Lighting which is perceptible beyond the property line shall be minimized in accordance with §514 of this Chapter.

(9) Automobile, Motorcycle, Boat, Recreational Vehicle, Trailer or Farm Equipment Sales.

(a) New or used automobile, motorcycle, boat, recreational vehicle, trailer sales, farm equipment and other similar activities are subject to the following conditions:

1) Such uses shall meet all of the minimum lot size, yards and building coverage and height requirements of the district.

2) Adequate off-street parking shall be provided on the same lot as the building or activity served. All parking areas shall be designed in accordance with the requirements of §703.

3) Access drives and driveways shall be designed in accordance with the requirements of §704.

4) Means of ingress and egress to any public street, other than a property access street, shall not be located closer than two hundred (200) feet from an intersecting street.

5) No vehicles or items for sale, rent or display shall be placed within the existing road right-of-way or the improvement setback required by this Chapter.

(10) Automobile Repair Station.

(a) All repair and paint work shall be performed within an enclosed building.

(b) All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.

(c) Outdoor storage of automobiles and other vehicles shall not exceed three (3) times the indoor repair area, shall only be back of the front building setback line and shall be no closer than twenty (20) feet from side and rear lot lines.

(d) Outdoor storage of automobile parts and junk shall be prohibited.

(e) Yard areas adjacent to any residential lot shall be suitable screened.

(f) Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district or the lot line of any existing principally residential use.

(g) No more than five (5) vehicles in nondriveable condition shall be stored within view of a public street or adjacent lot.

(h) Any vehicle on the premises longer than seven (7) days shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.

(i) No recreational vehicle that is under repair at a repair station shall be utilized for temporary dwelling purposes during the time that it is stored at the repair station.

(11) Automobile Service Station.

(a) All activities except those to be performed at the fuel pumps shall be performed within a building.

(b) Fuel pumps shall be at least twenty-five (25) feet from the existing and any required future street right-of-way or fifty (50) feet from the street center line, whichever is greater.

(c) All automobile parts and dismantled vehicles are to be located within an enclosed building.

(d) Full body paint spraying or body and fender work shall not be permitted.

(e) Automobile service stations may also include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of Part 7 are complied with.

(f) Outside storage of inoperable or unlicensed vehicles at service stations is limited to a maximum seven (7) day period of time for each such vehicle.

(g) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(12) Automobile Wrecking or Junkyard.

(a) All automobile wrecking establishments or junkyards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises. This required fence shall be nonopaque.

(b) No materials shall be piled higher than the height of the surrounding fence nor closer than ten (10) feet to said fence.

(c) No area used for the storage of junk, automobiles or automobile parts shall be located within the required front, side or rear yard.

(d) A twenty-five (25) foot buffer yard as described in §405(I) shall completely surround all areas used for the storage of junk automobiles or automobile parts. No junk, automobiles or automobile parts shall be stored within this buffer yard.

(e) Burning or melting of any junk, rubbish or refuse is prohibited.

(f) All junk, automobiles or automobile parts shall be stored and arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than six (6) feet from the ground.

(g) All gasoline, oil and other fluids shall be drained from any junked items or scrapped automobiles. Gasoline in an amount not exceeding ten (10) gallons may be stored aboveground in approved containers. All other gasoline which is kept on the premises shall be stored underground and shall be approved by the governing body and the State Fire Marshall.

(h) No garbage or organic or biodegradable waste shall be permitted to be stored on any automobile wrecking establishment or junkyard.

(13) Bed and Breakfast.

(a) The owner of a bed and breakfast establishment shall be the primary occupant of the establishment.

(b) The operator of a bed and breakfast establishment may be a family member who is not the owner.

(c) No more than five (5) bed and breakfast units shall be permitted in any bed and breakfast establishment.

(d) In no case shall meals be served to persons not staying in a bed and breakfast unit.

(e) Bed and breakfast units shall be located within the principal building of the bed and breakfast establishment.

(f) All area and bulk regulations of the prevailing zoning district for single family dwellings shall apply.

(14) Boarding House.

(a) Shall have a maximum of five (5) rental units.

(b) Shall house a maximum of ten (10) persons.

(c) Shall have a minimum lot size of thirty thousand (30,000) square feet.

(d) No sign advertising the availability of a room shall be displayed so as to be visible from outside the dwelling.

(e) No cooking equipment shall be used in a room that is used for sleeping accommodation.

(15) Bottling Industry. Public sewage disposal facilities and centralized waters supply facilities shall be provided.

(16) Bus Terminal.

(a) Shall be on a lot abutting an arterial or collector street (as defined on the official street classification map).

(b) Shall provide an area for the loading and unloading of buses separate from required off-street parking areas.

(c) May include ticket offices, luggage checking facilities and similar facilities as accessory uses.

(17) Camp or Campground.

(a) The use shall comply with the requirements for Recreation, Nonpublic Outdoor listed in this Section.

(b) A maximum of one permanent dwelling shall occupy the lot on a year-round basis. No other structure shall be occupied on the lot for more than 6 months in any calendar year.

(c) The only commercial uses within a campground shall be a store for sales of routine items to campers, recreational

facilities for campers, and other uses that meet the requirements of the applicable zoning district;

(d) A maximum average of six (6) recreational vehicle sites or 10 tent camping sites shall be allowed per acre.

(e) A buffer yard which complies with the standards of §405(I) shall be provided around the entire lot. As an alternative, an applicant may demonstrate that an area having a width of fifty (50) feet and consisting of natural vegetation shall be maintained so that a complete year-round visual screen shall be provided around the entire lot.

(18) Carwash.

(a) Automatic, semi-automatic, and self-service carwashes are limited to the services of cleaning and waxing vehicles. Such activities shall be performed only within enclosed buildings, with the exception of hand drying and finishing operations.

(b) The lot shall be graded such that process water shall not run off across the lot, onto any adjacent lot, or onto a public street.

(c) A grease trap shall be provided within the sewer hook-up designed in accordance with the requirements of the plumbing inspector.

(d) Automobile storage and waiting spaces shall be provided at the rate of not less than five (5) spaces for each bay in a self-service carwash and not less than ten (10) spaces for each vehicle which can be accommodated within an automatic or semi-automatic carwash. All vehicle storage and waiting areas shall be designed and located so as not to intrude into any required yard area. Buildings shall not be located closer than fifty (50) feet to any residential district or any existing residential use.

(e) Where a carwash adjoins a residential property or a residential district, the hours of operation shall not be earlier than 7:00 a.m., prevailing time, nor later than 10:00 p.m., prevailing time.

(f) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(19) Cemetery.

(a) Shall be on a lot at least two (2) acres in area.

(b) May include mausoleums, chapels, and storage facilities for maintenance and related equipment.

(c) A buffer yard and planting screen in accordance with the requirements of Section 405.I shall be provided when a cemetery abuts an existing residential use or a residential district.

(20) Civic, Social, Fraternal Association. See "Recreation, Nonpublic Indoor."

(21) College or University.

(a) Any dormitory shall be located a minimum of one hundred fifty (150) feet from any lot line of an existing dwelling or boundary of a residential district.

(b) Any dormitory shall have a maximum capacity of one (1) student per five hundred (500) square feet of lot area and shall be restricted to full-time students of the college or university and any faculty advisors.

(c) Only a college or university recognized as such by the Pennsylvania Department of Education and which has received any required license or registration applicable to such college or university from such department shall be permitted hereunder.

(22) Combination of Permitted Uses

(a) The uses permitted under this category shall not include a residential use.

(b) If any of the proposed uses are permitted by either Special Exception or Condition, approval of the combined uses must follow the same approval procedures required for the specific use.

(c) Unless a multiple-use building is permitted within the Zoning District, each principal use shall be located within a separate building complying with all provisions of this Chapter, including the provisions of §402(B) regarding two or more principal buildings on a lot.

(d) Each use must comply with the specific provisions listed for that use in this Chapter.

(e) Off-street parking requirements of Part 7 shall be met; including the requirement that the number of off-street parking spaces provided shall be the sum of the parking requirements for each separate use.

(23) Communications Antennae and Associated Communications Equipment Buildings.

(a) Building mounted communications antennae shall not be located on any single-family dwelling, two-family dwelling or multifamily dwelling.

(b) Building mounted communication antennae shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.

(c) Omnidirectional or whip communications antennae shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(d) Directional or panel communications antennae shall not exceed five (5) feet in height and three (3) feet in width.

(e) Any applicant proposing communications antennae to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(f) Any applicant proposing communications antennae to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the

antennae will be mounted on the structure for review by the Code Enforcement Officer for compliance with the Township of Spring's Building Code and other applicable law.

(g) Any applicant proposing communications antennae to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennae are to be mounted so that installation and maintenance of the antennae and communications equipment building can be accomplished.

(h) Communications antennae shall comply with applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(i) Communications antennae shall not cause radio frequency interference with other communications facilities located in the Township of Spring.

(j) All applications shall include a sworn Affidavit from a licensed Radio Frequency Engineer that the proposed placement of a Communications Antenna and Associated Communications Equipment Building, will not interfere with the public safety, communications, and the usual and customary transmission or reception of radio, television or other communication services enjoyed by adjacent residential and non-residential properties. If measurable interference does result from the installation and use of any of the foregoing, the operation of the facility shall cease until the problem is corrected. If the problem is not correctable, the facility shall be dismantled and removed from the site.

(k) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

(l) The owner or operator of communications antennae shall be licensed by the Federal Communications Commission to operate such antennae.

(m) Communications antennae shall be built, constructed and erected according to the then-prevailing national standards.

(n) A communications antenna necessary for and clearly used for emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations is exempt from the requirements of this Section.

(24) Communication Towers and Associated Communications Equipment Buildings.

(a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennae.

(b) The applicant shall demonstrate that the proposed communications tower and communications antennae proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(c) Communications towers shall not cause radio frequency interference with other communications facilities located in the Township of Spring.

(d) All applications shall include a sworn Affidavit from a licensed Radio Frequency Engineer that the proposed placement of a Communications Tower and Associated Communications Equipment Building will not interfere with the public safety, communications, and the usual and customary transmission or reception of radio, television or other communication services enjoyed by adjacent residential and non-residential properties. If measurable interference does result from the installation and use of any of the foregoing, the operation of the facility shall cease until the problem is corrected. If the problem is not correctable, the facility shall be dismantled and removed from the site.

(e) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(f) Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. shall be

co-located where technically possible, i.e., where there is no substantial impairment to the quality of service. All facility owners and operators shall cooperate with other existing communications providers in co-locating Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. in the Township, unless there are substantial electronic, mechanical, structural or regulatory factors which prevent the sharing of facilities.

(g) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennae on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- 1) The proposed antennae and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

- 2) The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

- 3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

- 4) Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- 5) A commercially reasonable agreement could not be reached with the owners of such structures.

(h) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

(i) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel meeting the minimum lot size requirements for the zoning district, however, in no case will the size of the leased parcel be required to be larger than one (1) acre.

(j) Recording of a plat of subdivision or land development shall be required for a lease parcel on which a communications tower is proposed to be constructed.

(k) The applicant shall demonstrate that the proposed height of the communications tower or antennae is the minimum height necessary to perform its function.

(l) The foundation and base of any communications tower or antennae shall be set back from a property line (not lease line) at least one hundred (100) feet.

(m) The foundation and base of any communications tower or antennae shall be set back a minimum of one thousand (1,000) feet from any existing dwelling on an adjoining property and from the district boundary line of any district where such tower or antennae are not permitted uses.

(n) The base of communications tower or antennae shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.

(o) The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

(p) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower or antennae will be designed and constructed in accordance with the current "Structural Standards

for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code. The application shall include an engineering study demonstrating that in the event of a collapse of the tower, no part will fall beyond a one hundred (100) foot radius.

(q) The applicant shall submit a copy of its current Federal Communications (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antenna and a certificate of insurance evidencing general liability coverage in the minimum amount of one million (\$1,000,000) dollars per occurrence and property damage coverage in the minimum amount of one million (\$1,000,000.00) dollars per occurrence covering the communications tower or antenna.

(r) All guy wires associated with guyed communications towers and antennae shall be clearly marked to be visible at all times and shall be located within a locked fenced enclosure.

(s) The site of the communications tower or antenna shall be secured by a locked fence with a minimum height of eight (8) feet to limit accessibility by the general public.

(t) Signs or lights shall be mounted on a communications tower and antenna as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or any other governmental agency, including the Township of Spring Zoning Hearing Board.

(u) Communications towers and antennae and associated communications equipment buildings shall be protected and maintained in accordance with the requirements of the Township's Building Code.

(v) If a communications tower or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of the twelve (12) month period. Further, the owner or operator of the facility shall post security in a form acceptable to the Township in a sufficient

amount to cover the facility removal and site cleanup prior to the issuance of any permits to construct or use said facility. The security shall be utilized by the Township in the event that the owner or operator of the facility fails to remove the facility within six (6) months of the aforesaid notice by the Township to remove the facility. Exemption: a commercial communications tower or antenna necessary for and clearly used for emergency communications by a police department, fire company, emergency medical service and other similar public safety organizations is exempt from the requirements of this Section.

(w) A minimum of one (1) off-street parking space shall be provided within the fenced area.

(x) Communications towers shall be designed and constructed to accommodate the future addition of a minimum of two (2) additional antennas.

(y) Communications towers and communications buildings shall be designed and constructed to accommodate the future addition of municipal communications facilities. At the time of plan submittal the applicant shall demonstrate compliance with this requirement and shall describe any necessary steps for future addition of municipal communications facilities.

(z) A commercial communications tower necessary for and clearly used for emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations is exempt from the requirements of this Section.

(25) Conference Center.

(a) Shall be on a lot abutting an arterial street or collector street (as defined on the official street classification map).

(b) Shall have a lot area of at least ten (10) acres.

(c) May contain restaurants, lodging facilities, recreation facilities, gift shops, personal service facilities and similar type uses, exclusively for the guests. These uses may be located within separate buildings or combinations of these uses could be located within a single building. When located within separate buildings,

these uses are exempt from the requirements of §402(B) regarding two or more principal buildings on a lot.

(d) A buffer yard complying with the standards of §405(I) shall be provided wherever the lot directly abuts any existing residential use.

(e) Lighting which is perceptible beyond the property line shall be minimized in accordance with §513 of this Chapter.

(f) Any restaurant that is associated of a conference center shall comply with the following regulations:

1) A conference center may contain a standard restaurant, but not a fast food restaurant. No drive-through service is permitted.

2) Any waste dumpster shall be screened from view of adjacent streets, dwellings or residential districts, and shall be located a minimum of one hundred (100) feet from the boundary of any residential lot and from any dwelling or residential district

3) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

4) On-lot traffic circulation channels and parking areas shall be clearly marked.

(g) Any lodging facilities, hotel or motel shall comply with the specific provisions for that use listed in this Chapter.

(26) Convenience Store.

(a) The use shall be located on a lot abutting a collector or arterial street.

(b) The lot shall have a minimum area of one (1) acre, although such lot may include other permitted uses.

(c) The applicant shall prove to the satisfaction of the Board of Supervisors that any outdoor lighting will be placed such

that it will not create a significant nuisance to existing and future dwellings.

(d) Convenience stores may include fuel pumps, only upon special exception approval by the Zoning Hearing Board.

(e) All activities except those to be performed at the fuel pumps shall be performed within a building.

(f) Fuel pumps shall be at least twenty-five (25) feet from any existing and required future street right-of-way or fifty (50) feet from the street centerline, whichever is greater.

(g) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(h) If a convenience store serves prepared food that is to be consumed on site, it shall comply with the provisions for a fast food restaurant included in this Chapter.

(27) Day Care Center. See "Nursery School."

(28) Drive-In (Outdoor) Theater.

(a) Shall be on a lot abutting an arterial street or collector street (as defined on the official street classification map).

(b) Shall have a lot area of at least ten (10) acres.

(c) A buffer yard which complies with the standards of §405(I) shall be provided around the entire lot.

(d) Shall provide a driveway at least three hundred (300) feet in length between the point where admission tickets are sold and the street right-of-way lines.

(e) The parking/viewing area and all structures within a drive-in (outdoor) theater shall be setback a minimum of fifty (50) feet from all property lines and ultimate street right of way lines.

(f) A drive-in (outdoor) theater may include a concession stand as an accessory use.

(g) On-lot traffic circulation channels and parking areas shall be clearly marked.

(h) The drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(29) Fast Food Restaurant, Fast Food Restaurant with Drive-through Service, Food Stand.

(a) Any waste dumpster shall be screened from view of adjacent streets, dwellings or residential districts, and shall be located a minimum of one hundred fifty (150) feet from the boundary of any residential lot and from any residential district and one hundred (100) feet from the boundary of any nonresidential lot.

(b) Shall not include the sale of alcoholic beverages.

(c) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

(d) May provide an outdoor menu board if drive-through service is provided from within the building to customers in their vehicles. Such menu board shall not be considered a sign as long as its predominant use is clearly for listing food items and their costs and it is legible only in close proximity to the drive-through area.

(e) Shall provide a buffer yard, complete with a visual planting screen, in accordance with §405(I) when adjacent to residential properties.

(f) Off-street parking shall be provided in accordance with the provisions of Part 7. Required off-street parking shall take into account any outdoor dining area.

(g) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(h) On-lot traffic circulation channels and parking areas shall be clearly marked.

(i) Shall comply with all applicable local, state, and federal requirements. Where such requirements conflict, the more restrictive requirement shall be met.

(30) Financial Establishment. Any drive-through facilities shall comply with the Drive-Through Off-Street Space Regulations of Part 7 of this Chapter.

(31) Fire Station. Shall be located on a lot abutting an arterial or collector street as defined by the official street classification map.

(32) Fuel Oil Company.

(a) Shall meet the applicable outdoor storage control provisions of §509.

(b) Shall be in accordance with applicable Federal, State and local fire protection standards.

(c) Where such use includes above-ground, large containers for the bulk storage of petroleum products and petroleum-based liquids, it shall comply with the applicable provisions listed in this Section for a petroleum tank farm.

(33) Garden Apartments or Single-Family Attached Dwellings (Townhouses).

(a) Uses. Permitted principle uses include dwelling units permitted in the district. Permitted accessory uses include a rental office, recreational facilities, off-street parking, indoor vending machines and laundry facilities. These accessory uses shall be intended only for the use of the residents of the development.

(b) Sewer and Water. Each dwelling unit shall be served by a public sewer and centralized water system.

(c) All garden apartment or townhouse developments shall conform to all of the requirements as herein established:

	<u>Garden Apartment</u>	<u>Single-Family Attached Dwellings</u>
Minimum tract size:	5 acres	3 acres
Minimum lot width at building line:	300 feet	22 feet ⁱ
Minimum side yard:	75 feet	30 feet ⁱⁱ
Minimum rear yard:	75 feet	30 feet
Minimum front yard:	75 feet	30 feet
Distance between buildings:	See §321(B) (13)(d)(3)	See §321(B) (13)(d)(3)
Parking area setback from lot line or street ultimate right-of-way	30 feet	30 feet ⁱⁱⁱ
Maximum dwelling units per gross acre	12	10
Minimum usable open space (not including driveway areas) devoted solely to recreational use and activities:	15% of the tract ^{iv}	10% of the tract ^{iv}
Maximum height:	2½ Stories or 35 feet ^v	2½ Stories or 35 feet ^v
Maximum building coverage:	50%	50%
Maximum impervious coverage:	70%	70%

- NOTE:
- i Minimum width of a townhouse dwelling unit is twenty-two (22) feet per unit.
 - ii Applies to end building only.
 - iii Applies only to parking lots and joint parking areas, not to separate parking areas for individual townhouses.
 - iv Usable open space shall not include front, side and/or rear yards of an individual townhouse or garden apartment.
 - v Whichever is less.

NOTE: See §324(C) of this Chapter for special standards relating to storage sheds and other accessory uses, buildings and structures.

(d) Notwithstanding the provisions of the above requirements, the following shall also apply:

1) No more than six (6) townhouse dwelling units shall be attached.

2) The developer should vary architectural treatments within apartment projects, individual apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

3) A system for pedestrian circulation throughout the development shall be provided. Paved walkways, having a minimum width of four (4) feet, shall be provided for access between buildings and common parking areas, open space and recreation areas and other community facilities.

4) The horizontal distance between groups of townhouses or garden apartments shall be at least:

i) Two (2) times the average height of the two (2) groups of townhouses and garden apartments for front or rear walls facing front or rear walls.

ii) One and one-half (1 1/2) times the average height for front or rear walls facing side walls.

iii) Equal to the height of the highest building for side walls facing side walls.

5) The minimum width of any side yard abutting a street, driveway or parking area should not be less than thirty (30) feet.

6) Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

7) Usable open space devoted to recreational use as herein required shall be designed for use by tenants or owners of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.

8) Garden apartment buildings shall not exceed one hundred sixty (160) feet in length.

9) In the event a development is designed to contain more than one (1) permitted use, the submitted plan shall indicate an area designed for each such use and shall designate all requirements of this Chapter for each area.

(e) Number of Spaces. Off-street parking, whether garage or onlot, shall be provided on the premises at the rate of two (2) spaces for each dwelling unit.

(f) Requirements for off-street parking areas shall be as follows:

1) All access drives and parking areas shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

2) All parking areas shall be designed in accordance with requirements of §703.

3) Access drives and driveways shall be designed in accordance with the requirements of §704.

4) All parking areas that include twenty (20) or more spaces shall be separated from view of any public street and directly abutting single-family detached residence

by a buffer yard as described in §405(I), but with a width of ten (10) feet. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

5) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.

6) No more than sixty (60) parking spaces shall be accommodated in any single parking area.

7) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting Township street standards.

8) The total length of any single or combined parking area shall not exceed five hundred (500) feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area.

9) In the case of townhouses, no more than fifty percent (50%) of the required front yard shall be used for parking.

(g) The developer shall install a storm runoff and drainage system in accordance with acceptable engineering practices so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, at a rate no greater than existed prior to development. Plans for such drainage system shall be submitted and shall be subject to approval by the Township Engineer of the Township.

(h) All provisions of existing Township ordinances and subdivision and land development ordinances regarding storm drainage shall be complied with.

(i) Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public streets and not to cause any annoyance to building occupants or surrounding

property owners or residents. All lighting shall comply with the provisions of §513.

(j) Exterior storage areas for trash and rubbish shall be visually screened on three (3) sides and contained in airtight, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(k) Each multiple dwelling unit shall be provided with a minimum of two hundred fifty (250) cubic feet of lockable storage area in an enclosed room which is not part of the dwelling unit.

(l) No area for such facilities shall exceed more than one-half (1/2) the floor area of any single floor.

(m) Swimming Pool.

1) No structure shall be permitted without a filtering system utilizing chlorinated water.

2) No structure shall be permitted unless a permanent continuous fence which is four (4) feet minimum in height surrounds the facilities.

3) No structure shall be within fifty (50) feet of any property line or easement.

4) No structure shall be constructed between the building setback line and the street line.

5) No structure shall be permitted unless surrounded by a paved surface extending a minimum of five (5) feet from the water line.

6) Lighting shall not create a glare on any surrounding properties.

7) No persons other than residents and their guests shall be permitted to use the facility.

8) One (1) parking space for each three (3) dwelling units shall be provided in addition to the residential requirements.

(n) Outdoor Recreation.

1) Such facilities shall be limited to tennis courts, which are completely surrounded by a fence ten (10) feet in height, barbecue or other cookout facilities constructed of permanent material, yards which are completely landscaped, garden areas for tenant use, playlots, provided that facilities located in this area are surrounded by fencing at least four (4) feet in height, with benches for adults; facilities for such games as shuffleboard or basketball, provided that a paved surface is provided and that such facilities are located at least fifty (50) feet from any building.

2) No outdoor recreational facilities, except yards and garden areas shall be located within fifty (50) feet of any lot line.

3) No outdoor facilities, except yards, shall be located between the building setback line and the street line.

(o) No outdoor clotheslines shall be located in any required side yard, rear yard or between the building setback line and the street line with permanent metal poles for support.

(p) No activities shall be permitted which create a public nuisance and/or interfere with the use of adjacent land.

(q) No structure or building shall be permitted specifically designed for pets.

(r) Garden apartment and townhouse developments shall be deemed to be a subdivision governed by the provisions and procedures of the Township's Subdivision and Land Development Ordinance (Chapter XXVII) and the procedures established in said ordinance for approval shall be followed.

(34) Golf Course, Chip and Putt Course.

(a) The use shall comply with the requirements for Recreation, Nonpublic Outdoor listed in this Section.

(b) A golf course or chip and putt course may include a standard restaurant, food stand or membership clubhouse as a clearly accessory use.

(c) Any golf course or chip and putt course shall have a minimum lot area of ten (10) acres and a maximum impervious coverage of ten percent (10%).

(d) No fairway, tee box or green shall be located closer than one hundred (100) feet to the property line of an existing dwelling or to the existing right-of-way line of any public street.

(35) Greenhouse/Nursery.

(a) Such use may not include sale of items not primarily grown on the premises.

(b) No off-road vehicles used for such work shall be parked within the required minimum front yard.

(36) Group Home.

(a) There shall be no more than six (6) residents.

(b) There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the group home is intended.

(c) The use shall be licensed under the applicable State program and shall comply with all applicable State rules and regulations.

(d) Any medical or counseling services provided shall be done so only for residents.

(e) The lot on which a group home is located shall be at least one thousand (1,000) feet from the lot on which another group home is located; (such distance shall be measured in a horizontal straight line from the nearest point on one (1) lot to the nearest point on the other lot).

(f) Off-street parking shall be provided in accordance with the provisions of Part 7.

(g) There shall be no alteration to the outside of the structure that would alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.

(h) No sign for the group home shall be displayed.

(37) Gun Club/Outdoor Target Range.

(a) These provisions shall apply to gun clubs, outdoor target ranges, archery ranges, sport or skeet shooting areas.

(b) Shall have a lot area of at least ten (10) acres.

(c) All outdoor target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately provide for the public safety. Such barrier shall prevent the ball bullet or arrow from traveling more than 15 yards beyond the target.

(d) The use shall comply with all applicable Federal, State and local regulations.

(e) No such use shall be located within five hundred (500) feet of any property boundary line.

(f) Such use shall not operate between one (1) hour before dusk and 8:00 a.m.

(38) Health Club or Exercise Club.

(a) If such use will be on a lot with its own driveway(s) onto a collector or arterial street, it shall have a minimum lot area of one (1) acre.

(b) The use shall comply with the requirements for Recreation, Nonpublic Indoor listed in this Section.

(39) Heliport.

(a) Such use shall be located a minimum of one thousand (1,000) feet from an existing dwelling or a residential zoning district

other than land that will (i) be retained in ownership by the owner of the heliport, or (ii) will be permanently deed restricted against residential use.

(b) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the usual approaches, takeoff and flight patterns to and from the heliport and the maximum number of flights to and from such heliport will not create a significant noise or safety hazard for current or future residents.

(c) The Zoning Hearing Board may place reasonable conditions, to ensure compatibility with neighboring uses, on the maximum permitted weights of helicopters, number of flights per week, operating hours and other operations, other than matters preempted by the State and Federal government.

(40) Holiday Tree Sales.

(a) Holiday Tree Sales may include the sale of other similar evergreen or live items such as greens and wreaths, or accessories such as bows, tree bags and tree stands, but shall not include the sale of miscellaneous retail merchandise.

(b) There shall be one (1) holiday tree sales event per year per lot.

(c) Only one (1) holiday tree sales event may take place on a lot at any given time.

(d) Holiday Tree Sales events must obtain a Temporary Sales Permit. Permit will be valid between the dates of November 15 and December 31.

(e) All holiday trees, temporary structures, signage, and accessories to the holiday tree sale must be removed from the property by December 31.

(f) No more than ten (10) percent of the required parking area for the existing uses on the lot may be used for the holiday tree sales area.

(g) Holiday Tree Sales hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

(h) Holiday Tree Sales areas are limited to designated parking areas on the lot. In the event that the lot contains no existing parking facilities, a designated area containing a minimum of six (6) off-street parking spaces shall be provided in accordance with the requirements of Part 7 of this Chapter.

(i) Holiday Tree Sales shall not disrupt the daily operations of the principal business located on the lot.

(j) No holiday tree sales shall be located within any designated clear sight triangle.

(k) No holiday tree sales shall adversely impact the health, safety, and welfare of the Township.

(l) Signage must comply with the provisions of this Chapter. No signage may be displayed until a Temporary Sales Permit is obtained.

(m) All holiday tree sales shall comply with applicable building, fire, and electrical codes of the Township.

(41) Hospital or Medical Center.

(a) A hospital or medical center shall have a minimum tract size of ten (10) acres. Each lot within a hospital or medical center development shall comply with the minimum lot area and width requirements of the zoning district within which it is located.

(b) A hospital or medical center shall be located on a lot abutting and having direct vehicular access onto an arterial or collector street as defined in this Chapter.

(c) A minimum of two (2) access drives complying with the width requirements of §704 shall be provided from such arterial or collector street. However, the hospital or medical center shall make the maximum use possible of interior streets or access drives, as opposed to numerous driveways entering onto existing public streets.

(d) No hospital in a residential district may involve primarily the treatment of the criminally insane.

(e) A hospital or medical center may include various accessory uses that are customarily incidental to and in direct support of the primary health care mission of the hospital or medical center. Such accessory uses could include the following facilities, which shall be integrated with the hospital facilities:

- Medical and administrative offices.
- Medical laboratory or blood donor station.
- Patient hostel.
- Hospital staff dormitory.
- Ambulance service.
- Methadone clinics and drug rehabilitation facilities.
- Pharmacy.
- Gift shop.
- Teaching facilities.
- Research facilities.
- Interior service and convenience uses.

(f) The principal and accessory uses comprising the hospital or medical center may be located in a single building or may consist of several buildings located on one (1) or more lots. In the case of multiple buildings on a single lot, the provisions of §402(B) regarding two or more principal buildings on a lot shall not apply.

(g) Regardless of the number of buildings on a lot, all front, rear and side yard building setbacks for the zoning district within which it is located shall apply.

(h) The hospital or medical center shall be in single ownership and shall consist of harmonious groupings of buildings, service and parking areas, circulation and open space.

(i) Only the accessory uses listed above or those associated with a commercial district shall be permitted.

(j) Off-Street Parking Setback. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side or rear lot line of the hospital or medical center. This setback shall not be applied along internal lot lines of the hospital or medical center for common parking areas serving buildings on multiple

lots. All parking areas shall be suitably paved with permanent hard-surface coverings.

(k) **Parking.** Where a hospital or medical center contains any of the accessory uses listed above (regardless of whether each use is listed in Table 7.1 or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate principal and accessory use.

(l) **Sewer and Water.** All buildings within a hospital or medical center shall be provided with centralized sewer and water services.

(m) The facility shall comply with all applicable Federal, State, County and local regulations and shall be licensed as required by the State.

(n) **Lighting** for buildings, accessways and parking areas shall comply with the requirements of §513 and §703(E).

(o) Any patient hostel or hospital staff dormitory shall comply with the following requirements:

1) Permitted accessory uses include off-street parking, indoor vending machines and laundry facilities. These accessory uses shall be intended only for use by the residents of the patient hostel or the hospital staff dormitory.

2) Any hospital staff dormitory shall be located a minimum of one hundred fifty (150) feet from any lot line of an existing dwelling or boundary of a residential district.

3) Any hospital staff dormitory shall have a maximum capacity of one (1) resident per five hundred (500) square feet of lot area and shall be restricted to hospital staff members.

(42) **Hotel/Motel:**

(a) A minimum lot area of 2 acres shall be required.

(b) A restaurant may be permitted as an accessory use to a hotel or motel. In such cases, the appropriate requirements listed under Section 321(B) for this use shall apply.

(43) Kennel.

(a) All kennels shall provide the minimum area for kennels required by State regulations.

(b) All buildings in which animals are housed and all runs shall be located at least five hundred (500) feet from all lot lines.

(c) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.

(d) Outdoor runs may be provided so long as a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

(e) A kennel shall serve a maximum of fifty (50) animals.

(44) Laundry/Laundromat.

(a) Centralized sewage disposal facilities and centralized water supply facilities shall be required.

(b) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(45) Lumber Yard. Shall be on a lot abutting an arterial or collector street (as defined by the official street classification map).

(46) Medical Laboratory or Blood Donor Station

(a) A medical laboratory shall comply with the minimum lot area and width requirements of the zoning district within which it is located.

(b) Services provided shall be those that do not require overnight stay.

(c) A medical laboratory may include administrative offices, waiting rooms, analysis and testing rooms.

(d) The facility shall comply with all applicable Federal, State, County and local regulations and shall be licensed as required by the State.

(e) Lighting for buildings, accessways and parking areas shall comply with the requirements of §513 and §703(E).

(47) Medical Office or Medical Clinic

(a) A medical office or medical clinic shall comply with the minimum lot area and width requirements of the zoning district within which it is located.

(b) Services provided shall be those that do not require overnight stay.

(c) A medical office or medical clinic may include administrative offices, waiting rooms, treatment rooms, pharmacies and dispensaries directly associated with the medical office or medical clinic.

(d) The facility shall comply with all applicable Federal, State, County and local regulations and shall be licensed as required by the State.

(e) Lighting for buildings, accessways and parking areas shall comply with the requirements of §513 and §703(E).

(48) Membership Club. See "Recreation, Nonpublic Indoor" or "Recreation - Nonpublic Outdoor."

(49) Mineral Extraction.

(a) Sandpits, gravelpits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted subject to the following conditions.

(b) Any person who desires to operate a use described above shall submit land development plans to the Planning Commission and the governing body complying with the provisions of the Township Subdivision and Land Development Ordinance (Chapter XXVII) and including the following information:

1) A map of the lot indicating the open area which is to be used and the setback distance, prepared by a licensed surveyor or engineer.

2) A description of the specific types of material the applicant proposes to extract from the site, the types of operations which will be conducted and the procedures which will be utilized.

3) A statement of qualifications to operate a quarry, mining or excavation facility.

4) A complete compliance history for any and all similar facilities owned and/or operated by the applicant.

5) Any and all information provided to the PADEP or the U.S. EPA regarding the proposed site and/or facility.

6) A sketch showing the landscape plan indicating screening provision.

7) Preliminary specifications and architectural drawings for all structures and appurtenances to be located on the site.

8) A photograph of the open area to be used.

9) A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the governing body. After any such operations, the site shall be made reusable for a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the

operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth (capable of supporting vegetation) of at least two (2) feet or to original thickness, whichever is less. Fill shall be a suitable material approved by the governing body.

(c) All plans shall be submitted to and approved by the Berks County Conservation District.

(d) The proposed operations shall comply with the following provisions:

1) The operations shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion.

2) Quarry, mining, excavation and/or mineral extraction operations shall not be permitted within any wetlands or within one hundred (100') feet of any body of surface water.

3) No quarrying, mining or excavation operations, including drilling and blasting, shall occur on Sunday and shall not be conducted between 8:00 p.m. and 8:00 a.m. during the remainder of the week.

4) For any open excavation that would have a depth greater than ten (10) feet and any slopes greater than thirty percent (30%), a substantial fence shall be provided and approved by the Zoning Officer as adequate. Such a fence shall include gates at appropriate locations for emergency access.

5) Grading, backfilling and replacement of all overburden material shall be done in a manner that will restore the site to the same or more suitable condition and usable grade as existed on the site prior to the mineral extraction operations.

6) The sidewalls of any quarrying, mining or excavation operation that are not completely backfilled shall have a slope no greater than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

7) Dust and debris from the operation shall not be permitted to accumulate within any public right-of-way.

8) All operations shall be separated from any abutting residential uses by a buffer yard as described in §405.

9) All operations shall be set back a minimum of fifty (50) feet from all exterior lot lines and one hundred (100) feet from an existing residential use.

10) All operations shall be reasonably screened from view of public expressway, arterial or collector streets.

11) Any portion of an access road that is located within one hundred (100) feet of the lot line of a residential use or a primarily residential district shall be provided with a dustless surface.

12) Access roads shall connect to collector or arterial roads while making every reasonable effort to avoid travel by heavy trucks through residential areas.

13) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

(50) Mobile Home Park.

(a) Such use shall have a minimum tract size of twenty (20) acres and a maximum overall density of no more than five (5) mobile homes per acre.

(b) Such use shall have centralized sewer and water.

(c) Such use shall have a twenty (20) foot buffer yard around the perimeter of the site, as described in §405(I).

(d) All applicable provisions of the Township Subdivision and Land Development Ordinance (Chapter XXVII) shall be met.

(51) Mobile/Manufactured Home.

(a) Shall be constructed in accordance with the Safety and Construction Standards of the United States Department of Housing and Urban Development.

(b) Shall have a site graded to provide a level, stable and well-drained area.

(c) Shall have wheels, axles and hitch mechanisms removed.

(d) Shall be placed on a permanent foundation as described by the following:

1) The foundation system shall consist of ten (10) inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame or equivalent and shall be installed from ground level to below the frost line (thirty-six (36) inch minimum). This foundation system shall be placed on eight (8) feet centers along each of the two (2) main longitudinal frames for each section of the home with no more than three (3) feet overhang at each end of the section.

2) One-half (1/2) inch diameter by twelve (12) inch long eyebolts shall be cast in place at each corner and at two (2) midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.

3) The mobile/manufactured home shall be securely anchored or tied down with cable and thin buckles or equivalent connecting the frame to the case in place eyebolts on at least four (4) corners and two (2) midpoints. The tiedown shall also be in accordance with the manufacturer's recommendations furnished with each home.

4) Homes shall not be placed more than four (4) feet above the supporting ground area.

(e) Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home.

(f) The Zoning Hearing Board may require such additional fencing, earthen berming and screening as is reasonable.

(52) Multiple Use Building

(a) The uses permitted under this category shall be only those that are either permitted by right or by condition with the Zoning District where this Chapter permits a multiple-use building.

(b) The minimum lot area and width for a multiple-use building shall comply with the minimum requirements for a non-residential building within that Zoning District. In the event that a larger lot area or width is required under §321(B) for any of the specific uses within a multiple-use building, the greater requirement shall apply. In addition, five thousand (5,000) square feet of additional lot area shall be provided for each specific use beyond the first use.

(c) If any of the proposed uses are permitted by Condition, approval of the combined uses must follow the same approval procedure required for the specific use.

(d) Each use must comply with the specific provision for that use list in this Chapter.

(e) Where a residential use is proposed within a multiple use building, only one dwelling unit shall be permitted per building.

(f) Each separate use within a multiple use building shall be required to apply for separate zoning and occupancy permits, through the appropriate required processes.

(g) Off-street parking requirements of Part 7 shall be met; including the requirement that the number of parking spaces required shall be the sum of the parking requirements for each separate use.

(53) Nursery School/Day Care Center.

(a) The nursery school/day care center shall be located and operated in a manner that reduces or eliminates potential hazards to the children being cared for at the facility. It shall be the responsibility of the owner to demonstrate, to the satisfaction of the Township, full compliance with this provision.

(b) No outdoor activity area shall be closer than forty (40) feet to any lot line.

(c) There shall be a minimum of thirty (30) square feet of floor space and two hundred fifty (250) cubic feet of air space per child in the indoor activity area, exclusive of offices, sanitary facilities, storage spaces and other auxiliary rooms.

(d) There shall be a minimum of sixty-five (65) square feet of space per child in the outdoor activity area, which area shall be free of hazards and properly fenced.

(e) Off-Street Parking Spaces. Parking shall comply with the requirements of Part 7 of this Chapter.

(f) The use shall comply with any applicable County, State and Federal regulations.

(g) There shall be a two (2) acre minimum lot size.

(54) Nursing/Convalescent Home.

(a) Such use shall only include uses licensed or approved by an appropriate State agency as a nursing home or personal care center and shall clearly primarily involve care of persons who are aged or physically handicapped or who suffer from mental retardation.

(b) Sewer and Water. Each facility shall be served by a public sewer and centralized water system.

(c) All structures shall be located a minimum of seventy-five (75) feet from the property lines of the parcel.

(d) No more than 20% of the total area of the parcel shall be covered by buildings, unless more stringent requirements are specified, for the Zoning District within which the facility is located.

(e) No more than 40% of the total area of the parcel shall have impervious surface unless more stringent requirements are specified, for the Zoning District within which the facility is located.

(f) The horizontal distance between groups of buildings shall be at least:

1) Two (2) times the average height of the two (2) groups of buildings for front or rear walls facing front or rear walls.

2) One and one-half (1-1/2) times the average height for front or rear walls facing sidewalls.

3) Equal to the height of the highest building for sidewalls facing sidewalls.

(g) No less than 30% of the total area of the parcel shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.

(h) Number of Spaces. Off-street parking, shall be provided on the premises in accordance with the provisions of Part 7.

(i) Requirements for off-street parking areas shall be as follows:

1) All access drives and parking areas shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

2) All parking areas shall be designed in accordance with requirements of §703.

3) Access drives and driveways shall be designed in accordance with the requirements of §704.

4) All parking areas that include twenty (20) or more spaces shall be separated from view of any public street and directly abutting single-family detached residence by a buffer yard as described in §405(I), but with a width of ten (10) feet. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

5) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.

6) No more than sixty (60) parking spaces shall be accommodated in any single parking area.

7) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting Township street standards.

8) The total length of any single or combined parking area shall not exceed five hundred (500) feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area.

(j) Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public streets and not to cause any annoyance to building occupants or surrounding property owners or residents.

(k) Exterior storage areas for trash and rubbish shall be visually screened on three (3) sides and contained in airtight, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(l) A system of paved walkways a minimum of five (5) feet in width shall be provided for access between buildings and common parking areas, open space areas and other community facilities.

(m) Such use shall have a twenty (20) foot buffer yard around the perimeter.

(55) Office Equipment Sales/Service. If such use will be within a lot with its own driveways(s) onto an arterial or collector street, such lot shall have a minimum of one (1) acre, although such lot may include other permitted uses.

(56) Off-Track Betting Parlor

(a) Shall be on a lot abutting an arterial street or collector street (as defined on the official street classification map).

(b) Shall have a lot area of at least ten (10) acres.

(c) The lot on which an off-track betting parlor is located shall be at least five hundred (500) feet from the boundary of a lot on which an existing dwelling, a school, a day care center, a playground, or public recreation facility, a place of worship, or another off-track betting parlor is located and from the boundary of a residential district.

(d) No more than one off-track better parlor shall be located within a single building.

(e) The applicant shall demonstrate that the proposed use shall not be detrimental to the use of adjoining properties.

(f) Off-street parking shall be provided in accordance with the provisions of Part 7.

(g) All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules

and Regulations pertaining to Nonprimary Locations, as defined therein.

(57) Open Air Retail

(a) An open air retail facility shall be permitted only within the Planned Business and Residential (PBR) District or within the portion of the Planned Highway Commerce (PHC) District located along U.S. 222.

(b) A minimum lot area of at least one (1) acre shall be required for an open air retail facility.

(c) An open air retail facility may be located inside or outside of a building, or may be a combination of the two.

(d) Each vendor shall be provided with a minimum area of four hundred (400) square feet to allow for the display of items for sale and to provide a parking space for the vendor's vehicle without disturbing adjacent vendors. The vendor spaces shall be improved to a mud-free condition.

(e) The vendor spaces shall not be permitted within the front, side or rear yards as defined for the district in which the open air retail facility is located.

(f) Outdoor stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.

(g) Parking shall be in accordance with the provisions of Part 7.

(h) When an open air retail facility is located on a parking lot servicing another permitted use, the vendor spaces and associated parking spaces shall not reduce the number of parking spaces required for the other use below the minimum required by this Chapter.

(58) Open Air Retail Sales of Agricultural Products.

(a) An open air retail sales of agricultural products may take place inside or outside of a building, or may be a combination of the two.

(b) A minimum lot area of at least one (1) acre shall be required for open air retail sales of agricultural products.

(c) The building or area where products are displayed or sold shall be at least fifty (50) feet from an intersection and shall be at least twenty (20) feet from the cartway.

(d) Parking shall be provided in compliance with the provisions of Part 7.

(e) When the open air retail sales of agricultural products operation, or a portion thereof, takes place within a building, it shall comply with all requirements listed for a retail store.

(59) Open Space Development. Shall comply with the requirements of Section 901 (Appendix A).

(60) Orphanage. Such use shall have a minimum lot area of five hundred (500) square feet of land per resident. Shall only involve the care of person under the age of eighteen (18) who are primarily in need of such setting because of inability of their natural parents to adequately care for them.

(61) Pet Grooming Establishment. Such use shall not include overnight boarding of animals, veterinary services or animal obedience training.

(62) Fuel Storage Tank Farm or Fuel Products Terminal.

(a) Shall meet the applicable outdoor storage control provisions of §509.

(b) Shall be in accordance with applicable Federal, State and local fire protection standards.

(c) All tanks must be equipped with overfill protection devices. These devices must alert the transfer operator that the

tank is 90% full or automatically shut off flow to the tank when the tank is no more than 95% full. All tanks must be equipped with an impervious spill containment basin.

(d) All fluid handling piping shall be double-walled construction and shall include double-walled containment at the tank and to grade under any dispensing device.

(e) Piping on pressure systems shall be equipped with leak detection devices that will promptly notify the operator of a problem in the system in one of the following manners:

- 1) Give an audible and visible warning through the tank alarm panel.

- 2) Completely stop the flow of the material to the dispenser.

(f) Secondary containment shall be provided around and under all above ground stationary tanks and shall consist of native soils, clays, bentonites, or artificially constructed material equivalent to sixty (60) mil high density polyethylene or greater, and having an impermeability of at least 10^{-6} centimeters per second. Secondary containment must be constructed and maintained to meet impermeability requirements for the operational life of the tank(s). Secondary containment must be capable of containing 110% of the volume of the largest tank.

(g) Propane tanks shall be exempt from these standards.

(63) Picnic Grove. See "Recreation, Nonpublic Outdoor."

(64) Place of Worship. Shall be on a lot at least three (3) acres in area.

(65) Planned Business Development. Shall comply with the provisions for such use listed under §314.

(66) Planned Residential Development (PRD)

(a) All applicable provisions of the Township PRD Ordinance (Chapter XXI) shall be met.

(b) All requirements of this Chapter and Subdivision and Land Development Ordinance (Chapter XXVII) that are not specifically waived or replaced by the PRD Ordinance (Chapter XXI) shall apply.

(c) The Township PRD Ordinance (Chapter XXI), as amended, shall be considered as part of this Chapter.

(67) Printing Establishments and Printing/Publishing Establishments. Any loading docks or truck maneuvering areas shall be placed in such locations that are the maximum distance possible from any adjacent residential district and from existing residences. The use shall be able to comply with the noise control standards of Section 511.

(68) Private Airport or Airstrip and Private Heliport.

(a) The use shall comply with all applicable Federal and State regulations and requirements.

(b) Areas used for landings, takeoffs and ground circulation shall be located at least one thousand (1,000) feet away from adjacent property lines.

(69) Public or Private School. There shall be a five (5) acre minimum lot size. No commercial trade school shall be allowed in a primarily residential district.

(70) Public Utility Facility. If the use is not exempt from this Chapter under the State Municipalities Planning Code, the applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will be compatible with any adjacent residential uses or adjacent residential district.

(71) Racetracks, Automobile or Horse, with related Wagering.

(a) Shall be on a lot abutting an arterial street or collector street (as defined on the official street classification map).

(b) Shall have a lot area of at least fifty (50) acres.

(c) Such use shall have centralized sewer and water.

(d) Such use shall be fully enclosed within a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during an event.

(e) The lot on which an automobile or horse racetrack is located shall be at least one thousand (1,000) feet from the boundary of a lot on which an existing dwelling, a school, a day care center, a playground or public recreation facility, a place of worship, or another automobile or horse racetrack is located and from the boundary of a residential district.

(f) Shall provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impacts.

(g) Shall meet all of the performance standards of Part 5. The applicant shall submit appropriate information demonstrating how compliance will be ensured.

(h) The use shall be completely surrounded by a sixty (60) foot wide buffer yard, complete with planting screen, in accordance with the provisions of §405.

(i) The applicant shall demonstrate to the satisfaction of the Board of Supervisors that access to the site shall not cause traffic backup onto adjoining public streets during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by ticket or parking booth locations and the number, location, and times of traffic control personnel posting.

(j) The applicant shall describe methods of fire protection, policing and security that demonstrate that adequate fire and police protection is available to serve the proposed use. The applicant shall also demonstrate that adequate fire protection and security measures shall be employed on the site to ensure public safety during and after conduct to the proposed use.

(k) All horse racetracks, with related wagering shall comply with the applicable Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations.

(l) Any area where race vehicle engines will be run, warmed up or tested shall be set back a minimum of one thousand (1,000) feet from all lot lines of any existing dwelling.

(m) No outdoor storage of unlicensed vehicles, vehicle parts, lubricants and fuels, or other material or equipment used in the servicing of motor vehicles shall be permitted.

(72) Recreation, Nonpublic Indoor.

(a) The proposed used shall not adversely affect the adjoining properties.

(b) Buildings shall be located a minimum of one hundred (100) feet from any exterior lot line bordering an existing nonresidential use or from any existing street right-of-way.

(c) Buildings shall be located a minimum of one hundred fifty (150) feet from any exterior lot line bordering an existing residential use.

(d) The maximum total building coverage shall be twenty-five percent (25%).

(e) All such uses shall comply with all applicable government regulations, specifically State fire safety regulations.

(f) Amusement establishments, health or exercise clubs, swimming clubs, tennis or racquetball clubs shall also comply with the additional requirements listed for those uses within this Chapter.

(73) Recreation, Nonpublic Outdoor.

(a) The proposed use shall not adversely affect the adjoining properties.

(b) No lot area shall be less than five (5) acres.

(c) All buildings shall be set back a minimum of three hundred (300) feet from any exterior property line.

(d) Maximum building coverage shall be ten percent (10%).

(e) Maximum paved area shall be fifteen percent (15%).

(f) Minimum lot width shall be two hundred (200) feet.

(g) All other area and bulk regulations of the applicable zoning district shall apply.

(h) Golf courses, chip and putt courses, campgrounds, swimming clubs and tennis clubs shall also comply with the additional requirements listed for those uses within this Chapter.

(i) Any outdoor swimming pool shall be entirely enclosed with a good quality chain-link or wooden fence with a minimum height of six (6) feet.

(j) The proposed use shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(k) All outdoor illumination shall comply with the requirements of §513.

(74) Research, Engineering or Testing. The applicant shall prove to the satisfaction of the Township that the use will not create serious explosive, toxic, genetic or fire hazards.

(75) Restaurants, Standard.

(a) Shall not include any drive-through facilities.

(b) Shall comply with all applicable local, state and federal requirements. Where such requirements conflict, the more restrictive requirement shall be met.

(c) Off-street parking shall be provided in accordance with the provisions of Part 7. Required off-street parking shall take into account any outdoor dining area.

(d) May include the sale of alcoholic beverages; however, the total sale of food shall exceed the total sale of alcoholic beverages.

(e) Any waste dumpster shall be screened from view of adjacent streets, dwellings and residential districts and shall be located a minimum of one hundred fifty (150) feet from the boundary of any residential lot and from any residential district and one hundred (100) feet from the boundary of any nonresidential lot.

(f) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

(g) Shall provide a visual planting screen, in accordance with §405(H) when adjacent to residential properties.

(76) Retail Store:

(a) If such use will be on a lot with its own driveway(s) onto a collector or arterial street, the lot shall have a minimum area of one (1) acre, although such lot may include other permitted uses.

(b) The applicant shall prove to the satisfaction of the Board of Supervisors that any outdoor lighting will be placed such that it shall not create a glare on any surrounding properties and shall not create a significant nuisance to existing and future dwellings.

(c) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(d) Any retail store located within the Planned Office Business District shall not have a floor area greater than fifty thousand (50,000) square feet.

(e) Any retail store having a floor area greater than fifty thousand (50,000) square feet shall comply with the following guidelines:

1) Facades shall be articulated to reduce the massive scale and the uniform, impersonal appearance and to provide visual interest that will be consistent with the community's character and scale. Developments with

facades over one hundred (100) feet in linear length shall incorporate wall projections or recesses a minimum of three (3) feet in depth and a minimum of twenty (20) contiguous feet in length within each one hundred (100) feet of façade length and shall extend over twenty (20%) percent of the façade. Stores shall use animating features such as arcades, display windows, entry areas, or awnings along at least sixty (60%) percent of the façade.

2) When retail stores having floor areas greater than 50,000 square feet are attached to smaller, separately operated stores or similar uses, such as within a shopping center, the street level façade of such smaller stores or similar uses shall be transparent between the height of three feet and eight feet above the walkway grade for no less than sixty (60%) percent of the building façade of such buildings. Windows shall be recessed and shall include visually prominent sills, shutters, or other such forms of framing.

3) Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive effects, and recognize local character. Building facades shall include a repeating pattern that shall include one or more of the following elements : (1) color change, (2) texture change, (3) material module change, or (4) expression of architectural or structural bay through a change in plane of no less than 12 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

4) Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.

5) Exterior building materials and colors should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Predominant exterior building materials shall be high quality materials

and shall include, without limitation: (1) brick, (2) wood, (3) sandstone or other native stone, (4) tinted, texture, concrete masonry units, and/or (5) stucco. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

6) Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. Each building shall have clearly defined, highly visible customer entrances featuring no less than three of the following: canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work and moldings integrated into the building structure and design, or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(77) Retirement Community:

(a) The principal use within the retirement community shall be living units for the elderly, including Single-Family Detached Dwellings, Single-Family Attached Dwellings (townhouses) or Garden Apartments. In addition, common facilities required to support the needs of persons living within the community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:

1) Dining facilities including kitchens and accessory facilities for residents and their guests.

2) Social rooms, chapels, meeting rooms and overnight guest rooms for guests of residents.

3) Health care facilities, including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory and such other similar facilities required to

provide the health care needs of the residents of the community.

4) Administrative offices used in the management of the community and health care facilities.

5) Activity, craft and hobby shops, recreation facilities, gift shops, personal service facilities and similar type uses, exclusively for the residents and their guests.

6) Accessory buildings and uses customarily incidental to the above uses.

(b) All retirement communities shall comply with the following requirements:

1) The minimum tract size shall be twenty (20) acres.

2) The minimum building setback from all street rights-of-way and tract boundaries shall be fifty (50) feet.

3) The minimum lot width at the minimum building setback line shall be three hundred (300) feet.

4) Distances between buildings shall be in accordance with Section 321(B)(13)(d)(13).

5) The minimum setback for parking areas and access drives from lot lines or ultimate street rights-of-way shall be thirty (30) feet.

6) The maximum dwelling units per gross acre shall not exceed ten (10).

7) The minimum usable open space (not including driveway areas) devoted solely to recreational uses and activities shall be 30% of the tract.

8) The maximum building height shall not exceed 2-1/2 stories or thirty-five (35) feet, whichever is less.

9) The maximum building coverage shall not exceed 30%.

10) The maximum impervious coverage shall not exceed 50 %.

- NOTE: i Minimum width of a townhouse dwelling unit is twenty-two (22) feet per unit.
- ii Applies to end building only.
- iii Applies only to parking lots and joint parking areas, not to separate parking areas for individual townhouses.
- iv Usable open space shall not include front, side and/or rear yards of an individual townhouse or garden apartment.
- v Whichever is less.

NOTE: See §324(C) of this Chapter for special standards relating to storage sheds and other accessory uses, buildings and structures.

(c) Notwithstanding the provisions of the above requirements, the following shall also apply:

1) No more than six (6) townhouse dwelling units shall be attached.

2) The developer should vary architectural treatments within apartment projects, individual apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

3) A system for pedestrian circulation throughout the development shall be provided. Paved walkways, having a minimum width of four (4) feet, shall be provided for access between buildings and common parking areas,

open space and recreation areas and other community facilities. Such paved walkways shall comply with all relevant ADA requirements.

(d) Usable open space devoted to recreational use as herein required shall be designed for use by tenants or owners of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.

(e) Garden apartment buildings shall not exceed one hundred sixty (160) feet in length.

(f) In the event a development is designed to contain more than one (1) permitted use, the submitted plan shall indicate an area designed for each such use and shall designate all requirements of this Chapter for each area.

(g) Each retirement community shall be built as a single entity and shall be retained in single ownership. Fee simple sale of lots shall be prohibited. All common facilities to provide for the needs of the residents of the community shall remain in a single ownership.

(h) Requirements for off-street parking areas shall be as follows:

1) The minimum number of parking spaces provided shall be in accordance with the provisions of Section 701.

2) All access drives and parking areas shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

3) All parking areas shall be designed in accordance with requirements of §703.

4) Access drives and driveways shall be designed in accordance with the requirements of §704.

5) All parking areas that include twenty (20) or more spaces shall be separated from view of any public

street and directly abutting single-family detached residence by a buffer yard as described in §405(I), but with a width of ten (10) feet. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

6) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.

7) No more than sixty (60) parking spaces shall be accommodated in any single parking area.

8) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting Township street standards.

9) The total length of any single or combined parking area shall not exceed five hundred (500) feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area.

10) In the case of townhouses, no more than fifty percent (50%) of the required front yard shall be used for parking.

11) Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

(i) The developer shall install a storm runoff and drainage system in accordance with acceptable engineering practices so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, at a rate no greater than existed prior to development. Plans for such drainage system shall be submitted and shall be subject to approval by the Township Engineer.

(j) All provisions of existing Township ordinances and subdivision and land development ordinances regarding storm drainage shall be complied with.

(k) Exterior lighting shall be provided for all buildings, accessways and parking areas and shall be so arranged as not to reflect toward public streets and not to cause any annoyance to building occupants or surrounding property owners or residents. All lighting shall comply with the provisions of §513.

(l) Exterior storage areas for trash and rubbish shall be visually screened on three (3) sides and contained in airtight, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(m) Each multiple dwelling unit shall be provided with a minimum of two hundred fifty (250) cubic feet of lockable storage area in an enclosed room which is not part of the dwelling unit.

(n) No area for such facilities shall exceed more than one-half (1/2) the floor area of any single floor.

(o) Swimming Pool.

1) No structure shall be permitted without a filtering system utilizing chlorinated water.

2) No structure shall be permitted unless a permanent continuous fence complying with all requirements of the applicable building code surrounds the facilities.

3) No structure shall be within fifty (50) feet of any property line or easement.

4) No structure shall be constructed between the building setback line and the street line.

5) No structure shall be permitted unless surrounded by a paved surface extending a minimum of five (5) feet from the water line.

6) Lighting shall not create a glare on any surrounding properties.

7) No persons other than residents and their guests shall be permitted to use the facility.

8) One (1) parking space for each three (3) dwelling units shall be provided in addition to the residential requirements.

(p) Outdoor Recreation.

1) Such facilities shall be limited to tennis courts, which are completely surrounded by a fence ten (10) feet in height, barbecue or other cookout facilities constructed of permanent material, yards which are completely landscaped, garden areas for tenant use, playlots, provided that facilities located in this area are surrounded by fencing at least four (4) feet in height, with benches for adults; facilities for such games as shuffleboard or basketball, provided that a paved surface is provided and that such facilities are located at least fifty (50) feet from any building.

2) All outdoor recreational facilities, except yards and garden areas shall not be located within fifteen (15) feet of any lot line.

3) No outdoor facilities, except yards, shall be located between the building setback line and the street line.

(q) No outdoor clotheslines shall be located in any required side yard, rear yard or between the building setback line and the street line with permanent metal poles for support.

(r) No activities shall be permitted which create a public nuisance and/or interfere with the use of adjacent land.

(s) No structure or building shall be permitted specifically designed for pets.

(t) A Retirement community shall be deemed to be a subdivision governed by the provisions and procedures of the Township's Subdivision and Land Development Ordinance

(Chapter XXVII) and the procedures established in said ordinance for approval shall be followed.

(78) Scientific/Electronic Instruments Manufacturing. Any loading docks or truck maneuvering areas shall be placed in such locations that they are the maximum distance possible from any adjacent residential district or existing residence. The use shall be able to comply with the noise standards of §511.

(79) Self-Storage Facility.

(a) Structures containing storage units shall be limited to one story and shall not exceed twelve feet (12') in height.

(b) Each individual storage unit shall abut a paved access drive.

(c) Access drives shall be at least fifteen feet (15') wide.

(d) No storage outside of individual units shall be permitted, except for approved vehicle storage areas.

(e) No storage of unlicensed vehicles shall be permitted.

(f) Self-storage facilities hours of operation will be limited to the hours of 7:00 a.m. to 10:00 p.m.

(g) A security fence at least six feet (6') high shall surround a self-storage facility, and access through such fence shall be by way of an automatic gate, security guard, or similar means. A buffer yard including a planting screen shall be provided when a self-storage facility abuts an existing residential use or a residential district and shall be in accordance with the standards for such, as contained in this Chapter. Lighting shall be in accordance with the provisions of §513.

(h) The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials that emit noxious odors shall be permitted. Storage units shall not be used as areas for rehearsals by musical groups.

(i) A self-storage facility may include an office/residence for an on-site manager/care taker as part of the principal use. This building shall not be used solely as a residence, but must serve, in part, as an office for the self-storage facility. The building shall be occupied as a dwelling by only manager/care taker and his family.

(j) The individual structures comprising a self-storage facility are exempt from the requirements of §402(B) regarding two or more principal buildings on a lot.

(80) Shopping Centers.

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

(b) Permitted Principal Uses:

1) Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.

2) Business, professional or banking offices.

3) Restaurants, or similar places serving food and/or beverages.

4) Parking areas for transient motor vehicles, but not for the storage of new or used motor vehicles for lease or sale.

(c) Permitted Accessory Uses. Located on the same lot with the permitted principal use.

1) Only the accessory uses associated with a commercial district shall be permitted provided they are limited to the same lot as the principal uses.

(d) Uses Permitted Only by Special Exception:

1) Gasoline service stations.

- 2) Drive-in establishments.
- 3) New or used automobile or trailer sales and repair.
- 4) Convenience stores.
- 5) Motion picture theater; however, shall not include an adult mini-motion picture theater or an adult theater.

(e) Area and Bulk Regulations:

- 1) Lot Size. The area for development shall be a minimum of three (3) acres.
- 2) The maximum size of a shopping center within a planned Business Development within the PHI District shall be ten (10) acres.
- 3) The maximum size of a shopping center within the PHC District shall be 5 acres.
- 4) Building Coverage. Twenty-five (25%) percent maximum.
- 5) Maximum Building Height. Two (2) stories or thirty-five (35) feet, whichever is less.
- 6) Front Yard. Sixty (60) feet minimum.
- 7) Side Yards. Forty (40) feet minimum each side.
- 8) Rear Yard. Forty (40) feet minimum.

(f) Off-Street Parking Setback. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side or rear lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surface coverings.

(g) Any drive-through facilities shall comply with the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(h) Buildings of a shopping center shall be located a minimum of three hundred (300) feet from the lot line of any existing principally residential use and from the boundary of any residential district.

(i) Shopping centers located within the Planned Office Business District shall not contain any retail stores having floor areas greater than fifty thousand (50,000) square feet.

(j) Shopping centers containing retail stores or other uses with buildings having floor areas greater than fifty thousand (50,000) sq. ft. shall comply with the provisions for such buildings listed under the regulations for retail stores in this section.

(k) Access and Traffic Controls. All means of ingress or egress from the shopping center to any public street or State highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Township. The applicant shall prove to the satisfaction of the governing body that the shopping center will include the most reasonable coordinated system of traffic access that is possible and that left-hand turns onto arterial streets will be minimized and carefully controlled.

(l) Interior Circulation. Interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. The applicant shall demonstrate to the Township's satisfaction that the layout of the shopping center, as well as the interior traffic circulation patterns, shall be such that internal traffic congestion, vehicle conflicts and vehicle operator confusion shall be avoided. All routes of internal traffic circulation shall be clearly marked with appropriate signage to properly direct traffic throughout the shopping center and to exits. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used

without blocking or interfering with interior circulation and parking facilities. The layout of the parking lots and interior circulation shall be such that customers shall not be required to walk across streets, interior accessways or drives to travel between the parked vehicles and the uses on the site.

(m) Lighting. Lighting for buildings, signs, accessways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents. Lighting shall comply with the provisions of §513.

(n) Shopping Cart Storage. Establishments furnishing shopping cars or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

(o) Screening and Buffer Yard. All lot lines abutting residential districts (in Spring or an adjoining municipality) shall be screened by a buffer yard as described in §405(I).

(p) Storage of Trash or Rubbish. Storage areas for trash and rubbish shall be completely screened and all organic rubbish shall be contained in airtight, vermin-proof containers. No such storage area shall be permitted within any required buffer yard.

(q) Signs. Signs shall conform to Part 6 of this Chapter.

(r) Subdivision Process. A proposed shopping center shall be deemed to be a subdivision governed by the provisions of the Township's Subdivision and Land Development Ordinance (Chapter XXVII).

(s) Off-Street Parking. Off-street parking shall be provided in accordance with the requirements of Part 7. Where restaurants or other similar uses requiring a greater intensity of parking spaces are proposed, the shopping center layout shall be such that the number of off-street parking spaces provided immediately adjacent to the restaurant or similar use shall comply with the individual requirements for that use as set forth in Table 7.1. This requirement will not cause an increase to the total number of off-street parking spaces required within the shopping center as a whole.

(t) Individual uses within a shopping center, such as retail stores, offices, restaurants, service stations, automobile sales and convenience stores, shall also comply with the provisions listed for that individual use within this Section.

(u) All activities, with the exception of parking and loading facilities, shall be performed within a building.

(81) Single-Family Detached Dwelling.

(a) Such use located within the RHA District and not within an open space development, shall:

1) Be a use permitted by right only where it is located on a parent tract of less than 20 acres in area and no more than four (4) dwelling units are proposed on the parent tract.

2) Be a conditional use where it is located on a parent tract equal to or greater than 20 acres in area, or where more than four (4) dwelling units are proposed on the parent tract.

(b) Such use located within the RC or PHT District, and not within an open space development, shall:

1) Be a use permitted by right only where it is located on a parent tract of less than 10 acres in area and no more than four (4) dwelling units are proposed on the parent tract.

2) Be a conditional use where it is located on a parent tract equal to or greater than 10 acres in area, or where more than four (4) dwelling units are proposed on the parent tract.

(c) Such use located within the RS District shall:

1) Result in no more than four (4) dwelling units on a parent tract unless they are located within an open space development.

2) Where not located within an open space development, be a use permitted by right only where it is located on a parent tract of less than 10 acres in area.

3) Where not located within an open space development, be a conditional use where it is located on a parent tract equal to or greater than 10 acres.

(d) Such use located within the POB District shall:

1) Be within a development with a minimum tract size of one (1) acre, but such tract may include lots with the minimum permitted lot area.

2) The applicant shall prove to the satisfaction of the governing body that any residential use will be laid out and located such that it will be compatible with the uses and traffic patterns of any existing or future adjacent business development within the POB District.

(82) Single Family Detached Dwelling In Combination With a Commercial Activity:

(a) In addition to the minimum lot area requirements of the Zoning District within which the use is located , an additional 5,000 sq. ft. is required.

(b) Each principal use shall be located within a separate building complying with all provisions of this Chapter including the provisions of §402(B) regarding two or more principal buildings on a lot.

(c) The uses permitted under this category shall be only a single family detached dwelling and a commercial use permitted by right or by condition within the Zoning District where this Chapter permits a single family detached dwelling in combination with a commercial activity.

(d) If the proposed commercial activity is permitted by Condition, approval of the combined uses must follow the same approval procedure specified for the specific use.

(e) Each use must comply with the specific provision for that use list in this Chapter.

(f) Off-street parking requirements of Part 7 shall be met; including the requirement that the number of parking spaces required shall be the sum of the parking requirements for each separate use.

(83) Single-Family to Multi-Family Conversion. Shall comply with all applicable requirements for multi-family dwellings (single-family attached dwellings or garden apartments).

(84) Solid Waste Disposal

(a) All solid waste disposal facilities shall be fully permitted by the PADEP, the U.S. EPA, and such other Federal or State Agencies as required under applicable enabling statutes.

(b) All proposed solid waste disposal facilities shall submit the following information for the site:

1) A description of the specific types of waste the applicant proposes to accept for storage, treatment, processing or disposal at the site.

2) A description of the specific technology and procedures the applicant proposes to treat, process and dispose of at the facility.

3) Preliminary specifications and architectural drawings of the proposed facility.

4) An approved site or land development plan.

5) A statement of qualifications to operate a waste disposal facility.

6) A complete compliance history for any and all facilities owned and/or operated by the Applicant, any parent, subsidiary or cooperative owner/operator of waste treatment, processing or disposal facilities, as per PADEP Form HW-C, Compliance History and Instructions.

7) Any and all information supplied to the PADEP or the U.S. EPA regarding the proposed site and/or facility.

8) The names and addresses of any person, corporation or partnership having any financial interest in the construction, permitting, operation or closure of such facility.

9) All insurance policies, closure accounts and/or documents relating to self-insurance for the subject application.

10) A proposed siting agreement specifying the terms, conditions and provisions under which the facility shall be constructed, maintained and operated, including but not limited to the following terms, conditions and provisions:

i) Facility Construction and Maintenance Procedures.

ii) Operating procedures and practices, the design of the facility and its associated activities.

iii) Monitoring procedures, practices and standards necessary to assure and continue to demonstrate that the facility will be operated safely.

iv) Provisions to prevent migration of waste from the site onto adjoining properties and streets.

v) Provision to assure health, safety, comfort, convenience and social and economic security of the residents and businesses in the Township.

vi) Provision to assure the continuing economic viability of the project.

vii) Provision to assure the protection of environmental and natural resources.

viii) Provision to provide landowners, residents, occupants, businesses and industries for adverse economic impacts demonstrably attributable to the facility.

ix) Provision to compensate the Township, the County and/or other agencies for the review costs incurred due to the applicant's proposal.

x) Provision to provide site access to any and all Township, County, State, Federal employees and/or their consultants regarding review of the proposal or the site.

(85) Stable or Riding Academy, Commercial.

(a) This includes the keeping of horses or similar animals for use by other than a single household.

(b) The use shall be conducted on a lot no smaller than five (5) acres in size.

(c) The use shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(d) New barns, animal shelters, stables, feed yards or manure storage areas shall not be located closer than five hundred (500) feet from all dwellings except the dwelling of the owner or lessee, or from all residential lots. Manure storage areas shall comply with the applicable provisions listed under General Agriculture in the Section.

(e) Additions to existing barns, animal shelters, stables, feed yards or manure storage areas shall not be located closer than one hundred fifty (150) feet from all exterior property lines.

(f) Outdoor illumination shall comply with the provisions of Section 513.

(86) Swimming Club.

(a) All outdoor pools shall be entirely enclosed with a good quality chain-link or equivalent fence of not less than six (6) feet in height.

(b) If the use will be on a lot with its own driveway(s) onto a collector or arterial street, the lot shall have a minimum area of one (1) acre, although such lot may include other permitted uses.

(c) Indoor facilities shall meet the same requirements as are listed for Recreation, Nonpublic Indoor under Section 321(B).

(d) Outdoor facilities shall meet the same requirements as are listed for Recreation, Nonpublic Outdoor under Section 321(B).

(87) Tavern or Nightclubs

(a) Shall comply with all applicable local, state or federal requirements, particularly State fire safety regulations. Where such requirements conflict, the more restrictive requirement shall be met.

(b) Any waste dumpster shall be screened from view of adjacent streets, dwellings and residential districts and shall be located a minimum of one hundred fifty (150) feet from the boundary of any residential lot and from any residential district and one hundred (100) feet from the boundary of any nonresidential lot.

(c) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

(d) Shall provide a visual planting screen, in accordance with §405(H) when adjacent to residential properties.

(e) The proposed used shall not adversely affect the adjoining properties.

(f) Buildings shall be located a minimum of one hundred (100) feet from any exterior lot line bordering an existing nonresidential use or from any existing street right-of-way.

(g) Buildings shall be located a minimum of one hundred fifty (150) feet from any exterior lot line bordering an existing residential use.

(h) Shall comply with the parking provisions of Part 7. Required off-street parking shall take into account any outdoor service area.

(i) Shall comply with the Noise Control provisions of §511 and the Nuisance provision of §502.

(j) New taverns or nightclubs shall not be located within one thousand (1,000) feet of the boundaries of a property upon which an existing tavern or nightclub is located.

(88) Temporary Retail Sales

(a) There may be five (5) Temporary Retail Sales events per year per lot.

(b) Only one (1) Temporary Retail Sales event may take place on a lot at any given time.

(c) Temporary Retail Sales events must obtain a Temporary Sales Permit. Permit will be valid for a maximum of five (5) consecutive days.

(d) No more than ten (10) percent of the required parking area for the existing uses on the lot may be used for Temporary Retail Sales.

(e) Temporary Retail Sales areas shall have a maximum sales area of eight hundred (800) square feet with a maximum width of twenty (20) feet and a maximum depth of forty (40) feet.

(f) Temporary Retail Sales hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

(g) Temporary Retail Sales areas are limited to designated parking areas on the lot. In the event that the lot contains no existing parking facilities, a designated area containing a minimum of 6 off-street parking spaces shall be provided in accordance with the requirements of Part 7 of this Chapter.

(h) Temporary Retail Sales shall not disrupt the daily operations of the principal business located on the lot.

(i) No Temporary Retail Sales shall be located within any designated clear sight triangle.

(j) No Temporary Retail Sales shall adversely impact the health, safety, and welfare of the Township.

(k) Signage must comply with the provisions of this Chapter. No signage may be displayed until a Temporary Sales Permit is obtained.

(l) All Temporary Retail Sales shall comply with the applicable building, fire, and electrical codes of the Township.

(89) Tennis, Exercise or Raquetball Clubs and Closely Similar Recreational Facilities.

(a) Indoor facilities shall meet the same requirements as are listed for Recreation, Nonpublic Indoor under Section 321(B)

(b) Outdoor facilities shall meet the same requirements as are listed for Recreation, Nonpublic Outdoor under Section 321(B).

(c) If the use will be on a lot with its own driveway(s) onto a collector or arterial street, the lot shall have a minimum area of one (1) acre, although such lot may include other permitted uses.

(90) Timber Harvesting.

(a) These provisions shall apply when timber harvesting or forestry is the principal use on a property , when it is a secondary operation to another principal use and when it is associated with a subdivision or land development of the property.

(b) Timber harvesting or forestry shall be performed only in accordance with a Forest Management Plan or a Forest Stewardship Plan prepared by a forester.

(c) The applicant shall submit the following plans and reports to the Township at least sixty (60) days prior to the scheduled start of the timber harvesting operations.

1) The Forest Management Plan or Forest Stewardship Plan addressing ecological considerations, forest health, soil and water resources, flora and fauna resources, non-timber forest products, silviculture/timber management, and infrastructure.

2) A Tree Inventory Report prepared by a qualified horticulturist, forester, arborist, or landscape architect addressing tree species and sizes, tree identification numbers, diameter at breast height (DBH, typically 4.5 feet from the ground), tree height, distance to dripline, direction of low or unusual branching, tree condition, suitability for preservation and maintenance recommendations.

3) An Erosion and Sediment Pollution Control Plan (E&SPC Plan) utilizing Best Management Practices (BMP's) designed to prevent erosion and sedimentation during and after the timber harvesting operations. Evidence that the E&SPC Plan has been approved by the Berks County Conservation District and/or the PADEP shall be submitted prior to the start of the timber harvest.

(d) The Forest Management Plan or Forest Stewardship Plan shall contain, at a minimum, provisions addressing the following :

- 1) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;

- 2) Design, construction and maintenance of surface water control features and structures such as culverts, broad-based dips, filter strips, water bars and BMP's. Compliance with all applicable State, County and local provisions for erosion and sediment pollution control must be demonstrated;

- 3) Design, construction and maintenance of stream and wetland crossings, demonstrating compliance with the provisions of §517 Wetland Buffers and §518 Riparian Buffers;

- 4) The general location of the proposed operation in relation to Township and State roads, including any points of access to those roads;

(e) The Forest Management Plan or Forest Stewardship Plan shall be accompanied by a drawing containing , at a minimum, the following information:

- 1) Site location and boundaries, including both the boundary on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;

- 2) Significant topographical features, including those related to potential environmental problems;

- 3) Location of all earth disturbance activities such as roads, landings, and surface water control measures and structures;

- 4) Locations of all crossings of waters of the Commonwealth;

- 5) The general location of the proposed operation to Township and State roads, including any points of access to those roads.

(f) Any State approval required as a result of the proposed timbering operations, including, but not limited to, stream or wetland encroachments, must be demonstrated prior to the start of the timber harvest. Any permits required by State laws and regulations shall be attached to and become part of the Forest Management Plan or Forest Stewardship Plan.

(g) Routes using Township roads shall be approved by the Board of Supervisors. The Board of Supervisors shall also set the maximum gross weight permissible on Township roads.

(h) Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. No mud or debris shall remain on public roads.

(i) Hours during which harvesting can occur are subject to Board of Supervisors approval.

(j) The Zoning Officer, or other party designated by the Board of Supervisors, shall be the enforcement officer for this Section. The Zoning Officer, or other designated party, may enter upon the site of any timber harvesting operation before, during, or after the operations, to confirm compliance with the Forest Management Plan or Forest Stewardship Plan, and compliance with the provisions of this Chapter.

(k) No more than thirty percent (30%) of the existing forest land on any lot may be harvested in any calendar year.

(l) The use of diameter-based cutting methods are not permitted unless fully justified by the forester preparing the Plan. Diameter-based cutting methods include, but are not limited to: Diameter Limit Cut and High Grading.

(m) Clear-cutting is only permitted when the Forestry Bureau's reservation guidelines are followed and is fully justified by the forester preparing the Plan as the timber harvest method

necessary to improve a forest or stand that contains defective, decayed, diseased or dying trees.

(n) All cutting, removal, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of other trees and vegetation.

(o) Roads, trails and landing/staging areas shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and damage to Watercourses.

(p) Stream crossings shall be avoided, but where deemed necessary, crossings shall be made at a right angle and shall incorporate appropriate culverts or bridges. Skidding across a live or intermittent stream is prohibited except by suitable bridges and culverts.

(q) Buffer zones of fifty (50) feet, within which no timber harvesting operations shall take place, shall be maintained along all streets and abutting properties.

(r) Felling or skidding across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding across streets is prohibited.

(s) No tops or slash shall be left within fifty (50) feet of any public street right-of-way or adjoining property, within twenty-five (25) feet of any stream or historic or scenic trail; or within ten (10) feet of any drainage ditch or Identified Floodplain Area.

(t) During periods of abnormal forest fire danger, as determined by the State Fire Marshal, the Township shall have the right to order a suspension of all timber harvesting operations until the danger subsides.

(u) Timber harvesting and tree removal shall comply with all other applicable provisions of this Chapter, including, but not limited to, wetland buffers and riparian buffers.

(v) When timber harvesting and tree removal is in association with a subdivision or land development:

1) The reports and supplemental information required by this Section shall be used to determine that most appropriate layout of the development with consideration given to trees to be preserved and the species, size and location of replacement tree planting.

2) Timber harvesting shall not take place prior to approval of the Final Plan of the subdivision or land development.

3) The Erosion and Sediment pollution Control Plan may be incorporated into the overall E&SPC Plan for the development, provided that all requirements of this Section are met.

4) Timber harvesting shall only be one of the following methods: (a) improvement cutting, (b) salvage cutting, (c) single tree selection method, or (d) other methods, except diameter limit cut, high grading and clear cutting, may be permitted by the Township when fully justified by the forester preparing the plan.

5) Trees included in the Tree Inventory Report within the area of proposed development i.e., within proposed street right-of-way, sanitary sewer, water line, storm sewer easements and initial building site locations that were considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested or removed for development shall be replaced with trees of the same species or an alternate species approved by the Township Planning Commission at the rate of one-half inch replacement diameter per one inch diameter of harvested or removed trees. Replacement trees shall have a minimum diameter at breast height (dbh) of 2.5 inches.

6) Trees included in the Tree Inventory Report that are outside of the proposed development area and considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested shall be replaced in accordance with the Forest Management Plan or Forest Stewardship Plan submitted as part of the timber harvest.

7) The replacement trees shall be in addition to any required street trees, buffer screens, and landscaping trees and shall be located within the development area.

8) The subdivision or land development plan shall include a Tree Preservation Plan including any trees scheduled for preservation and measures necessary to ensure their preservation including but not limited to the construction of retaining walls, no fill/cut zones, no construction traffic or stockpile of material zones, and maintenance recommendations from the Tree Inventory Report.

9) Any deviation from the Tree Preservation Plan resulting in impacts to or removal of trees designated for preservation shall require the approval by the Board of Supervisors with recommendations from the Planning Commission and Environmental Advisory Council.

(91) Townhouses. See "Garden Apartments and Single-Family Attached Dwellings" in this Section.

(92) Truck Freight Terminal.

(a) There shall be a five (5) acre minimum lot size.

(b) A forty (40) foot buffer yard in accordance with the provisions of §405(I) shall be provided along with exterior lot lines, except for vehicular and pedestrian access areas traversing the yard areas.

(93) Vehicle Wash Preventative Maintenance Center

(a) Services performed at a vehicle wash preventative maintenance center are limited to those services described under the definition of such use.

(b) Sale of gasoline and other fuels shall not be permitted at the facility.

(c) The lot shall be graded such that process water shall not run off across the lot, onto any adjacent lot, or onto a public street.

(d) A grease trap shall be provided within the sewer hook-up designed in accordance with the requirements of the plumbing inspector.

(e) Automobile storage and waiting spaces shall be provided at the rate of not less than five (5) spaces for each bay in a self-service facility and not less than ten (10) spaces for each vehicle which can be accommodated within an automatic or semi-automatic facility. All vehicle storage and waiting areas shall be designed and located so as not to intrude into any required yard area. Buildings shall not be located closer than fifty (50) feet to any residential district or any existing residential use.

(f) Where a vehicle wash preventative maintenance center adjoins a residential property or a residential district, the hours of operation shall not be earlier than 7:00 a.m., prevailing time, nor later than 10:00 p.m., prevailing time.

(g) All automobile parts are to be located within an enclosed building. No dismantled, inoperable or unlicensed vehicles are permitted on the premises.

(h) Full body paint spraying or body and fender work shall not be permitted.

(i) Vehicle wash preventative maintenance centers may also include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of Part 7 are complied with.

(j) All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.

(k) Yard areas adjacent to any residential lot shall be suitable screened.

(l) Any drive-through facilities shall comply with the applicable portions of the Drive-Through Off-Street Stacking Space Regulations of Part 7 of this Chapter.

(94) Warehouse or Wholesale.

(a) Truck parking and loading shall meet the minimum standards of this Part and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, wholesale or distribution activity to be conducted.

(b) Truck or rail access and operations shall not conflict with the convenience and safety of automobile traffic and parking.

(c) No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

(d) A warehouse facility shall have a minimum lot size of three (3) acres. A wholesale facility shall have a minimum lot size of five (5) acres.

(95) Wildlife Sanctuary.

(a) The use shall be conducted on a lot at least ten (10) acres in size.

(b) No animal which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.

(c) Every barn, animal shelter, stable, cage, feed yard or manure storage area shall be at least three hundred (300) feet from all lot lines, residential district boundaries and dwellings except the dwelling of the owner or lessee.

(Ordinance No. 335, March 26, 2007, Section 321 of Section 2)

Section 322. Special Exception Uses.

(A) Purpose. Before a zoning permit is granted for any use listed as a special exception use in this Chapter, a site plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This requirement is provided because of the considerable impact that these uses tend to have on a community. The application and review process shall follow the procedures included in Part 8 of this Chapter.

(B) Site Plan and Traffic Impact Study Submittals.

(1) All applicants for a special exception use shall submit the required number of sets of site plans, as specified in Part 8 of this Chapter, for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit.

(2) All site plans shall contain the information required in §409(C) and shall conform to the site design guidelines included in §409(E).

(3) A special exception application that involves any of the following uses shall include a complete traffic impact study complying with the provisions of §409(D):

- (a) Residential: 60 or more dwelling units.
- (b) Commercial: 20,000 square feet or more of total floor area.
- (c) Office: 30,000 square feet or more of total floor area.
- (d) Industrial: 60,000 square feet or more of total floor area or any truck terminal.
- (e) Institutional: 30,000 square feet or more of total floor area.
- (f) Any use or combination of uses that would generally result in greater than 1,500 trips per day.

(g) Where the Township Engineer certifies that there is a clear existing severe traffic problem within close proximity to the proposed project which will likely be significantly worsened by the proposed project.

(C) Standards. Each special exception use shall comply with general standards listed in Part 8 and any specific standards listed for the proposed use in §321.

(Ordinance No. 335, March 26, 2007, Section 322 of Section 2)

Section 323. Conditional Uses.

(A) Purpose. Before a zoning permit is granted for any use listed as a conditional use in this Chapter, a site plan shall be reviewed by the Planning Commission and approved by the Township Supervisors. This requirement is provided because of the considerable impact that these uses tend to have on a community. The application and review process shall follow the procedures included in Part 8 of this Chapter.

(B) Site Plan and Traffic Impact Study Submittals.

(1) All applicants for a conditional use shall submit the required number of sets of site plans, as specified in Part 8 of this Chapter, for the proposed use to the Board of Supervisors as part of the application for a zoning permit.

(2) All site plans shall contain the information required in §409(C) and shall conform to the guidelines included in §409(E).

(3) A conditional use application that involves any of the uses listed under §322(B)(3) shall include a complete traffic impact study complying with the provisions of §409(D).

(C) Standards. Each conditional use shall comply with all general standards listed in Part 8 and any specific standards for the proposed use listed in §321.

(Ordinance No. 335, March 26, 2007, Section 323 of Section 2)

Section 324. Accessory Uses.

(A) In General. An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.

(B) Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Chapter.

(C) Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

(1) Accessory Uses, Buildings or Structures.

(a) No detached accessory building or structure shall be erected in any required front, side or rear yard, except a five (5) foot setback shall be allowed within side or rear yards that do not directly abut a public street. No detached accessory building or structure shall be erected within five (5) feet of any other building or structure except as noted in subsection (d) below.

(b) No nonresidential activities shall be permitted in any residential district except those permitted by home occupation regulations or other provisions of this Chapter.

(c) No agricultural use or individual gardens used for home consumption shall occupy more than one-half (1/2) of the minimum side or rear yard required in the applicable zoning district.

(d) An accessory building used for storage of garden equipment, bicycles, sleds or other equipment used by the occupants of a dwelling shall be allowed to be constructed within two (2) feet of the side and rear property lines. However, it shall be located to the rear of the building used as a residence. Construction of such accessory building will comply with the Uniform Construction Code, maximum height shall be ten (10) feet, and maximum size shall be one hundred fifty (150) square feet with the following exception: any accessory storage building as described in this subsection which is over one hundred fifty (150) square feet shall be located to the rear of the building used as a residence and shall be located no closer to a lot line than the minimum side yard requirement for one side yard for the zoning district in which the accessory building is located.

(e) Nothing in this Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(f) Accessory buildings to residential uses (including private vehicle garage).

1) No such accessory building shall be located within a required front or side yard for an accessory use. However, such accessory building may be located within a required rear yard in which case the minimum side yard requirement for one side yard for the zoning district in which the accessory building is located shall determine the minimum building setback.

2) The cumulative floor area of accessory buildings shall not exceed fifty percent (50%) of the floor area of the principal building, except where such computation would result in a permitted floor area of less than six hundred (600) square feet. In such case, a cumulative floor area of accessory structures of six hundred (600) square feet shall be permitted.

3) Accessory structures may be located as follows, within the other requirements of this Chapter:

i) No accessory building to the principal residential use shall have a height greater than fifteen (15) feet.

ii) No accessory structure to a single-family dwelling unit shall have a total floor area greater than ten percent (10%) of the total land area of the lot.

(2) Farm Pond.

(a) The developer of any farm pond shall obtain all required State and Federal permits.

(b) No farm pond shall be of such a size or character as to create any dangerous, noxious or objectionable condition.

(3) Fences, Walls, Hedges and Gates.

(a) Unless otherwise stated, these uses shall be allowed in all districts.

(b) Setback from Roads. A fence, structure, wall or continuous hedge shall be located no closer than three (3) feet of the existing right-of-way of a public road and shall have a maximum height of four (4) feet along all public roads. In addition, the sight distance requirements of §405(H) shall be satisfied.

(c) Fences.

1) Any fence located in the front yard of a use in a residential district shall have a minimum of 50% of its surface area as transparent and shall not exceed three (3) feet in height; except that such a fence may be installed to a height of four (4) feet when 75% of its surface area is transparent.

2) Fences shall be located no closer than six (6) inches to any side or rear lot line, unless otherwise agreed upon in writing between two (2) adjoining property owners, in which case the fence may be located closer than six (6) inches including the location of the fence on the side or rear lot line.

3) In a residential district, a fence located anywhere except the front yard of a use may have a height of up to six (6) feet and may be opaque.

4) In all other districts, fences may have a maximum height of nine (9) feet.

5) A fence of up to ten (10) feet may be allowed in a rear yard in any district for the sole purpose of enclosing a court for tennis or similar sports. Such fence shall be located no closer than five (5) feet to any property line or street right-of-way.

(d) Walls.

1) Any walls should be architecturally compatible with the structure and the landscape.

2) Any wall in the front yard of a use in a district shall be a special exception, permitted only if compatible with the character of the area.

3) Walls may be one (1) foot in height for every two (2) feet they are set back from a property line, up to a maximum height of six (6) feet.

(e) Hedges. Continuous hedges may have a maximum height of three (3) feet in any front yard.

(f) Gates. All fences, walls or continuous hedges more than three (3) feet in height shall be equipped with gates or other suitable passageways at intervals of not more than two hundred fifty (250) feet.

(4) Heliport.

(a) The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing a heliport.

(b) The Federal Aviation Administration shall have granted approval for the use of the air space.

(5) Holiday Tree Sales. When operated as an accessory use to a principal use on the same lot, holiday tree sales shall comply with all provisions listed for such use under §321.

(6) Home Occupation.

(a) In any residential district, all dwelling units with direct access to a public street, except apartment units, may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that such use of the dwelling does not change the character thereof or have any exterior evidence of

such accessory use other than a small nameplate as provided in this Chapter.

(b) Standards:

1) Home occupation shall be limited to the involvement on the premises of not more than two (2) persons at any one (1) time.

2) The number of off-street parking spaces shall comply with the requirements for a home occupation listed in Table 7.1, in addition to those required for the residence units. All parking spaces shall be located outside of the street right-of-way.

3) Unless otherwise permitted in this Section, home occupations shall not occupy more than twenty-five percent (25%) of the total floor area of the dwelling unit.

4) Home occupations shall be subject to the following limitations:

i) No emission of unpleasant gases or other odorous matter shall be permitted.

ii) No emissions of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

iii) No glare and heat from any home occupation shall be permitted.

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

v) No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.

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

vii) No emission of any smoke shall be permitted.

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

ix) No storage of materials or products in open areas shall be permitted.

x) No retail sales shall be permitted except for home produced goods.

xi) No material designed for use as an explosive shall be reproduced or stored on the premises.

(c) Additional standards for a day care center as a home occupation. In addition to the general home occupation standards listed above, a day care center operating as a home occupation shall comply with the following specific standards.

1) The use shall comply with all local, State, Federal and County requirements.

2) The use may occupy more than twenty-five (25) percent of the total floor area of the dwelling unit.

3) The use shall serve no more than twelve (12) children, including members of the family residing in the dwelling.

4) With the exception of the outdoor activity area, the operation of the day care center shall take place within the dwelling and shall not be located within any accessory structure.

5) There shall be a minimum of sixty (60) square feet of space per child in the outdoor activity area, which area shall be free of hazards and properly fenced with a fence having a minimum height of four (4) feet. No outdoor activity area shall be closer than fifteen (15) feet to any lot line.

6) The day care center shall be located and operated in a manner that reduces or eliminates potential hazards to the children being cared for at the facility. It shall be the responsibility of the owner to demonstrate, to the satisfaction of the Building Code Official, full compliance with this provision.

7) With the exception of minimum lot size, a day care center operating as a home occupation that serves more than five (5) children that are not members of the family residing in the dwelling shall comply with all provisions listed under §321 for a day care center as a principal use. This shall include provisions relating to outdoor activity areas, indoor floor space and air space, off-street parking and any applicable County, State or Federal regulations.

(7) Interior Service and Convenience Uses.

(a) Interior Service and Convenience Uses shall be permitted as an accessory use, where specified, and only within a building housing one of the following principal uses: business office, government office, financial establishment, hospital/medical center, medical office/medical clinic, professional office, college or university, other similar commercial uses, and any industrial use.

(b) All interior service and convenience uses shall not occupy more than a total of ten percent (10%) of the total floor area of the building in which they are located.

(c) Public entrances to interior service and convenience uses shall be from the interior of the building.

(d) No public entrance to any interior service or convenience use shall be located less than thirty (30) feet from an exterior exit to the building that is used by the public for ingress and egress.

(e) Exterior signage shall not be permitted for any service and convenience use.

(f) An employee nursery/day care functioning as an interior service and convenience use shall comply with all provisions specified for a nursery/day care functioning as a principal use.

(8) Keeping Animals or Fowl.

(a) See regulations on the following uses that are not defined as "the Keeping of Animals or Fowl," "Kennels," "Agriculture, general," "Animal Husbandry" and "Stables" in §321 and the appropriate definitions in Part 2.

(b) The keeping of animals or fowl shall comply with the performance standards of Part 5 and shall not result in a threat to the public health or safety.

(c) A lot involving a single-family dwelling with a lot size of less than thirty thousand (30,000) square feet or any multifamily dwelling unit shall include the keeping of not more than five (5) cats or dogs of more than six (6) months of age.

(d) The keeping of animals or fowl within the LDS, MDS, SS, U, NC, and PHC Districts shall not include the keeping of farm animals.

(9) Noncommercial Swimming Pool. A noncommercial swimming pool designed to contain a water depth of twenty-four (24)

inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:

(a) Permit. A building permit shall be required to locate, construct or maintain a noncommercial swimming pool.

(b) Location. Such pool shall be located in a rear or side yard only. No above or inground pool shall be located within fifteen (15) feet of a side or rear lot line, within ten (10) feet of any overhead wires, over any onlot sewage disposal field or system or five (5) feet from any other structure.

(c) Fence. Every inground noncommercial swimming pool shall be entirely enclosed with a fence complying with all provisions of the applicable building code. Where required by the applicable building code, aboveground pools shall also be entirely enclosed with an appropriate fence. Aboveground pools not requiring a fence shall require a self-closing and self-latching gate to any pool access platform.

(d) Water. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system. If the water from such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.

(e) Drainage. The draining of all pools shall comply with all applicable local and state regulations.

(10) No-Impact Home-Based Business. The business or commercial activity comprising the no-impact home-based business must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

(i) Approval of such a use shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community.

(11) Open Air Retail Sales of Agricultural Products, as an accessory use.

(a) Shall be permitted solely as an accessory use to a principal agricultural use.

(b) Any permanent structure shall be subject to all area, bulk, and setback requirements of the zoning district within which it is located.

(c) Temporary structures shall be dismantled at the end of the growing season. Any structure in place for more than six (6) months, whether consecutively or in aggregate, during any calendar year shall be deemed a permanent structure and shall be regulated as such.

(d) Temporary structures must be secure and structurally sound so as not to create a hazard either to customers or the general public.

(e) Temporary structures shall be set back at least twenty (20) feet from the road right-of-way.

(f) Signs for temporary structures shall be in conformance with the regulations Part 6 of this Chapter.

(g) Safe off-street parking shall be provided for customers at temporary structures.

(h) Parking shall be provided in compliance with the provisions of Part 7.

(12) Recreational Vehicle Storage. See applicable provision of the Township of Spring Motor Vehicles and Traffic Chapter (Ord. 179, adopted December 10, 1984, as amended) (Part 3 of Chapter XIX of the Codification of Ordinances of the Township of Spring).

(13) Seasonal Roadside Produce Market. Roadside produce markets for the sale of dairy, farm, greenhouse or nursery products are permitted with the following restrictions:

(a) Size. The area where products are displayed or sold shall not exceed eight hundred (800) square feet.

(b) Location. The stand shall be at least fifty (50) feet from an intersection and shall be at least thirty (30) feet from the existing right-of-way line.

(c) Removal in Off-Season. The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale, except as is allowed below.

(d) A stand may remain in place through the year without being removed if it would be located a minimum of one hundred (100) feet from the existing right-of-way line.

(e) Parking. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Part 7. Parking shall be provided for a minimum of four (4) vehicles.

(f) A minimum of fifty percent (50%) of all items offered for sale shall have been produced on the property on which they are offered for sale.

(14) Solar Energy System. No solar energy system shall deny solar access of adjacent lots.

(15) Temporary Retail Sales. When operated as an accessory use to a principal use on the same lot, temporary retail sales shall comply with all provisions listed for such use under §321.

(16) Tennis Court.

(a) A tennis court shall not be located in front of the principal building.

(b) A tennis court shall not be located over a drainage field of a sewage disposal system.

(c) No tennis court shall be located within fifteen (15) feet of the lot line of an abutting single-family detached dwelling.

(17) Wind Generated Energy Systems (Including Windmills).

(a) All windmills, except single pole structures, shall be enclosed by a fence at least four (4) feet in height which is located at least five (5) feet from the base of such windmill.

(b) No windmill shall be permitted the design of which permits any vane, sail or rotor blade to pass within ten (10) feet of the ground.

(c) All electrical wiring leading from a windmill shall be located underground.

(d) Windmills may be located within the required rear or side yards.

(e) The vibration control standards of §512 of this Chapter shall be complied with.

(Ordinance No. 335, March 26, 2007, Section 324 of Section 2)

Part 4
General Regulations

Section 401. Limit of One Principal Use. No more than one (1) principal use shall be permitted on a lot, unless the provisions of the relevant zoning district permit a combination of permitted uses or a multiple use building, or unless it is otherwise permitted by this Chapter. See §402(B) and (C). (Ordinance No. 335, March 26, 2007, Section 401 of Section 2)

Section 402. Principal Buildings.

(A) **Street Frontage Required.** Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Township standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance (Chapter XXVII), excepting however, those principal buildings specifically approved by the Board of Supervisors.

(B) **Two or More on a Lot.** Two (2) or more principal buildings on a lot shall:

(1) Conform to all requirements of this Chapter as if each building were on a separate lot, including the minimum lot size.

(2) Conform to the standards, improvements and procedures required for a land development by the Township Subdivision and Land Development Ordinance (Chapter XXVII).

(C) **Multiple Occupancy.**

(1) Occupancy of a principal commercial or industrial building by more than one (1) use of similar type is specifically allowed, provided that all other requirements of this Chapter are satisfied.

(2) Occupancy of a principal building by more than one (1) use of dissimilar type is only allowed where the provisions of the specific Zoning District permit a multiple-use building and where all other requirements of this Chapter are satisfied

(3) Each separate use within a principal building shall be required to apply for separate zoning and occupancy permits, through the appropriate required processes.

(Ordinance No. 335, March 26, 2007, Section 402 of Section 2)

Section 403. Maximum Height of Buildings. No building shall exceed the maximum building height standard specified in the relevant district regulations of this Chapter, except that such standard shall not apply to farm structures, silos, water towers, communication towers, church spires, belfries, solar energy collectors (and equipment used for the mounting or operation of such collectors), windmills, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures shall not diminish the solar access of other properties. (Ordinance No. 335, March 26, 2007, Section 403 of Section 2)

Section 404. Buildings to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the governing body and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ordinance No. 335, March 26, 2007, Section 404 of Section 2)

Section 405. Special Lot and Yard Requirements/Sight Distances and Buffer Yards.

(A) In General. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Chapter.

(B) Corner Lots.

(1) Every lot at the corner of two (2) streets shall have, facing each street, a yard equal to the front yard requirement. This shall not apply to existing alleys.

(2) Of the remaining yards on a corner lot, the Zoning Officer shall determine which are rear and side yards. This determination shall be based upon factors including the location and orientation of the principal structure, the configuration of the lot and the location of vehicular access to the lot.

(3) The minimum rear yard requirement for a corner lot shall be five (5) feet less than the minimum rear yard requirement listed for the district within which the corner lot is located.

(4) Where an existing lot of record is changed into a corner lot as a the result of the subdivision or land development of an adjacent tract of land, the front yard requirement shall apply only along the street upon which the lot originally fronted.

(C) Yard Requirements of Subdivisions Located Within Two (2) or More Residential Zoning Districts.

(1) When any subdivision of land is located within two (2) or more residential zoning districts, as established by the official zoning map of this Chapter, any subdivider thereof shall have the right to request from the governing body permission to have the said subdivision, in its entirety regulated as to side, rear and front yard requirements of any one (1) of the residential zoning districts within which the said subdivision is located.

(2) Any such request shall be submitted to the governing body in writing. The acceptance or rejection of the said request by the governing body, after receiving the written comments of the Planning Commission of the Township concerning the said request, shall be forwarded, in writing, to the subdivider.

(3) The governing body shall have the right to impose reasonable conditions and safeguards in granting any such request as deemed necessary by the governing body to implement this Chapter, including any amendments thereto.

(D) Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers. Where a lot is not served by a public water supply and/or sanitary sewerage system and the Township's Subdivision and Land Development Ordinance (Chapter XXVII) or other State or local ordinance in force required higher standard for lot area or lot width than this Chapter, the more restricted regulations of such other ordinance or regulation shall apply.

(E) Yard Exceptions.

(1) When an unimproved lot that is not a corner lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be a depth equal to the average of the two (2) adjoining lots.

(2) Where a principal structure, which is located on a through lot abutting an arterial or collector street, fronts on a parallel street that is not an arterial or collector and gains vehicular access from such street, the yard abutting the arterial or collector street shall be considered a rear yard. Such lot shall contain a 20-foot wide buffer yard, including planting screen, in accordance with the provisions of §405(1). Where a lot exists at the time of adoption of this Chapter and contains no such buffer yard, a planting screen shall not be required, but any principal or accessory structure shall be located as though such buffer yard existed.

(3) Two-family semidetached dwellings and single-family attached dwellings shall have no side yard requirement along the common lot lines upon which the vertical walls separating dwelling units are located. All walls constructed along the common lot line shall be fire walls unless they are located a minimum of four (4) feet from the common lot line. All applicable building code provisions pertaining to common lot lines shall apply.

(F) Projections Into Required Yards.

(1) The following projections shall be permitted into required yards and shall not be considered in the determination of yard requirements or building coverage.

(a) Terraces, patios, decks or porches, whether roofed or not, but not otherwise enclosed by one or more doors, windows, screens, walls and/or siding of any kind, size or dimension provided that such terraces, patios, decks or porches shall not project into the required side yard and/or yards, nor shall the same project more than five (5) feet into the required front yard and/or yards, nor shall the same project into the required rear yard more than one-third (1/3) of the required rear yard. Unless otherwise permitted under §405(F)(1)(b) below, no such projection shall be permitted within four (4) feet of any required side lot lines.

(b) In the case of a two-family semidetached dwelling or a single-family attached dwelling, terraces, patios, decks or porches may be located closer than four (4) feet to an internal side lot line when the applicant has demonstrated to the Township's satisfaction the right to encroach upon the adjoining property in order to construct and maintain such terraces, patios, decks or porches. Any agreements, easements or similar documents

granting such rights shall "run with the land" and be recorded in the office of the Berks County Recorder of Deeds.

(c) Projected Architectural Features. Bay windows, cornices, eaves, fireplaces, chimneys, windowsills or other architectural features, provided that any single feature does not exceed five (5) square feet in external area.

(d) Lampposts, walkways, driveways, retaining walls and steps shall be permitted within any required yard.

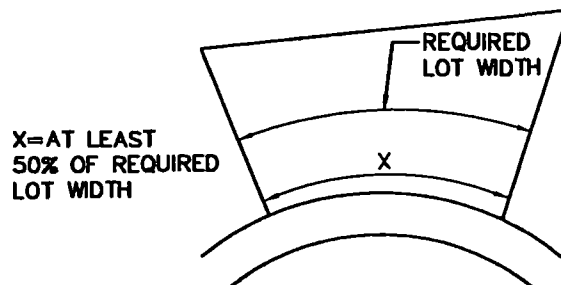
(e) Uncovered stairs, landings, and handicap ramps, provided such stairs, landings or ramps do not exceed three (3) feet six (6) inches in height.

(f) Open balconies provided such balconies are not supported on the ground and do not project more the five (5) feet into any required yard nor closer than three (3) feet to any adjacent lot lines.

(G) Exceptions to Minimum Lot Areas and Lot Widths.

(1) Nonconforming Lots. See §408.

(2) Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the minimum required front yard, provided that in no case shall the lot frontage measure at the street right-of-way line be less than fifty percent (50%) of the minimum lot width (see Sketch A).



(H) Traffic Visibility Across Corners.

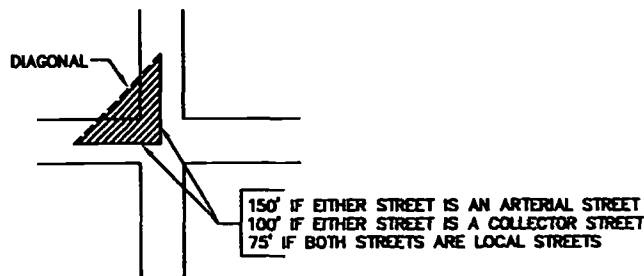
(1) Sightlines at Intersection of Streets.

(a) A triangular area as defined in §405(H)(1)(c) of this Part shall be graded and shall be free of sight obstructions so that vision between a height of from two (2) feet to ten (10) feet above the centerline grades of the intersecting streets is not obscured.

(b) By means of deed restriction, lease restriction or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two (2) feet to ten (10) feet above the centerline grades of the intersecting streets within the triangular area defined in §405(H)(1)(c) of this Part.

(c) Such triangular area shall be bounded by the intersecting street centerlines and a diagonal connecting two (2) points, one which is at each end of the centerline of each street:

- 1) one hundred fifty (150) feet from the intersection of such street centerlines, if either street is an arterial street;
- 2) one hundred (100) feet from the intersection of such street centerlines if either street is a collector street;
- 3) seventy-five (75) feet from the intersection of such street centerlines, if both streets are local streets.

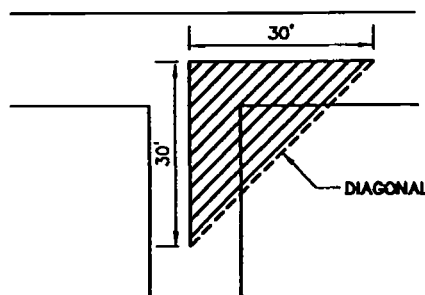


(2) Sightlines at Intersections of Driveways or Accessways with Streets.

(a) A triangular area as defined in §405(H)(1)(c) of this Part shall be graded and shall be free of sight obstructions so that vision between a height of from two (2) feet to ten (10) feet above the centerline grades of the intersecting driveway, accessway or streets is not obscured.

(b) By means of deed restriction, lease restriction or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two (2) feet to ten (10) feet above the centerline grades of the intersecting driveway, accessway or streets within the triangular area defined in §405(H)(2)(c) of this Part.

(c) Such triangular area shall be bounded by the intersecting driveway, accessway or street centerlines and a diagonal connecting two (2) points, one which is at each end of the centerline of each driveway, accessway or street thirty (30) feet from the intersection of such centerlines.



(I) Buffer Yards. Any nonresidential use which directly abuts any existing residential use shall provide buffer yards. Where specified elsewhere in this Chapter, certain nonresidential uses which directly abut a residential district shall also provide buffer yards. Such buffer yards shall comply with the following standards:

(1) Size, Location.

(a) A twenty (20) foot buffer yard shall be required, unless otherwise indicated in this Chapter.

(b) Where a buffer yard is required along a property or lot line, it shall be measured from said property or lot line. Where a buffer yard is required along a district boundary line, it shall be measured from the district boundary line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.

(c) The buffer yard may include land within a required front, side or rear yard, provided the larger yard requirement shall apply in case of conflict.

(2) Characteristics.

(a) The buffer yard shall be a continuous, pervious, landscaped area consisting of trees, shrubs, grass or ground cover.

(b) All buffer yards shall be free of structures (other than fences serving as screens), manufacturing or processing activities, sewage systems, parking areas or storage of materials.

(c) No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.

(d) Maintenance. In all buffer yards, all areas not covered by trees or bushes shall be maintained with an all-season groundcover, such as grass. All grass shall be regularly mowed, with a height not to exceed ten (10) inches. The buffer yard shall be kept free of debris or rubbish.

(3) Planting Screen or Fence.

(a) Each buffer yard shall include a planting screen or a fence extending the full length of the buffer yard to serve as a barrier to visibility, airborne particles, glare and noise. Such planting screen shall consist of trees, shrubs and/or other plant materials.

(b) Each planting screen shall be in accordance with the following requirements:

1) The amount and type of plant material required shall be determined by the intensity of the proposed land use.

2) Plant materials used in the planting screen shall be of such species and size as will produce, with three (3) years, a year-round visual screen of at least eight (8) feet in height.

3) The planting screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.

4) The planting screen shall be so placed that at maturity it will be at least three (3) feet from any street or property line.

5) The planting screen shall be broken only at points of vehicular or pedestrian access and shall comply with §405(C).

(c) In circumstances where it is impractical for a planting screen to meet all the requirements of this Section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

(d) A fence, when erected as a screen, shall be not less than eight (8) feet in height and shall be placed no closer than three (3) feet from any street or property line. In all other respects such fence shall comply with the provisions of §324.

(e) A planting screen or fence shall have openings or breaks only at points of vehicular or pedestrian access.

(f) Planting Screens shall be of the following intensities based upon the proposed land use:

Proposed Land Use	Intensity of Planting Screen Required*
Recreational	Low
Office/Institutional	Medium
Multifamily Residential	Medium
Commercial/Industrial	High
Mobile Home Parks	High

*Where it is determined by the Township that certain aspects of a proposed use should be provided with a planting screen of greater intensity than herein specified, such a screen shall be provided to the extent necessary to screen the particular aspect from the adjoining property.

(g) For every fifty (50) linear feet of buffer yard, the following minimum quantities and types of plant materials shall be required within the planting screen:

1) Low Intensity: one (1) canopy tree and two ornamental trees. One (1) evergreen may be substituted for one of the required ornamental trees.

2) Medium Intensity: one (1) canopy tree, two (2) evergreen trees, and five (5) shrubs.

3) High Intensity: an average of one (1) evergreen tree placed for each eight linear feet of buffer yard, with the trees staggered so that the trunk of each tree is at least twelve (12) feet diagonally away from each other tree trunk. In addition, an average of two (2) ornamental trees and one (1) canopy tree shall be provided. Alternative plantings that would create a complete, year round visual screen may be permitted.

4) Planting screens may be combined with an earthen berm. The majority of the plantings shall be placed on the outside slope of the berm. Any planting placed at the top of the berm must be demonstrated to receive adequate moisture.

(h) The required plant materials shall be distributed over the length and width of the buffer yard. Plantings may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. Informal groupings that reflect the natural character of the area are encouraged.

(i) Where an applicant proposes that existing vegetation serve as the required planting screen, the buffer yard shall be a minimum of fifty (50) in width and, if high intensity planting screens are required, the applicant must demonstrate that the existing vegetation would create, and would be maintained as, a complete, year-round visual screen.

(j) A variety of plant species is required as follows:

<u>Number of Trees</u>	<u>Min. Number of Tree Species</u>	<u>Max. Percentage of Any One Species</u>
0 to 5	1	100
6 to 15	2	60
16 to 30	3	40
31 to 50	4	30
51 and over	6	20

(k) Existing topographic conditions such as embankments and berms may be incorporated into the required buffer yards.

(4) Plans.

(a) Prior to the issuance of any zoning permit, the applicant shall submit plans showing:

- 1) The location and arrangement of each buffer yard.
- 2) The placement, species and size of all plant materials.
- 3) The placement, size, materials and type of all fences to be placed in such buffer yard.

4) The location and size of any proposed or existing earthen berms to be utilized.

(b) Such plans shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Chapter.

(Ordinance No. 335, March 26, 2007, Section 405 of Section 2; as amended by Ordinance No. 354, March 10, 2008, Section 3)

Section 406. Establishment of Ultimate Right-of-Way Widths for Streets.

(A) Purpose. Minimum ultimate right-of-way widths are established for streets where the existing right-of-way is less than that indicated in §406(C) for the particular class of street.

(B) Measurement.

(1) The ultimate right-of-way shall be measured from the center line of the existing streets, with one-half (1/2) of the total width provided on each side of the center line.

(2) All front yards and other appropriate yards shall be measured from the ultimate right-of-way line, unless otherwise specifically stated.

(3) The specific classification of each road is shown on the official street classification map which is hereby incorporated into and made a part of this Chapter.

(C) Minimum Widths. Minimum ultimate rights-of-way are as follows:

<u>Street Classification</u>	<u>Minimum Future Right-of-Way</u>
Expressway	120'
Arterial Street	80'
Collector Street	60'
Local Street	53'* (Greater width may be required in accordance with use intended)

*unless otherwise specified on the street classification map.

(D) Newly Created Streets. For any newly built street, the Township Engineer shall designate the functional classification of the street. These functions should then periodically be added to the official street classification map. The Township Engineer shall base such classification on the function the street is expected to serve in the long-term development of the Township.

(Ordinance No. 335, March 26, 2007, Section 406 of Section 2)

Section 407. Frontage Development Along Arterial and Collector Streets. In order to encourage the sound development of frontage along arterial and collector streets (as defined on the official street classification map) and to minimize traffic congestion and hazard, the following special provisions shall apply:

(A) Off-Street Parking and Loading. All area for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall comply with all requirements of Part 7.

(B) Access. Access drives, driveways and accessways shall be in accordance with the provisions of §704.

(C) Large Developments. In the case of any development intended to involve more than five (5) commercial or industrial buildings or lots, or more than ten (10) acres of commercial, industrial, garden apartment or townhouse uses, each principal building shall front upon a marginal access street, service road, common parking lot or similar area and not directly upon a public street, unless the Board of Supervisors determines that strict compliance would not be possible because of the peculiar characteristics of the site and the uses.

(D) Vehicular Access onto Arterial or Collector Streets. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged. Where possible, lots that abut arterial or collector streets shall be configured as through lots, where vehicular access is obtained from a parallel street that is not an arterial or collector. See the section of the Township Subdivision and Land Development Ordinance (Chapter XXVII) on "Restriction of Access."

(Ordinance No. 335, March 26, 2007, Section 407 of Section 2)

Section 408. Nonconformities.

(A) Statement of Intent.

(1) Within the zoning districts established by this Chapter or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto.

(2) To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction has been diligently carried on.

(B) Nonconforming Lots of Record.

(1) Structures and customary accessory buildings may be erected in any district on any lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

(2) If two (2) or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter. This Section shall not apply for a period of five (5) years to an approved subdivision or development plan, whether preliminary or final.

(C) Nonconforming Uses of Land. Lawful uses of land, which at the effective date of this Chapter or as a result of subsequent amendments thereto become nonconforming and where such use involves no individual structure or building with a replacement cost exceeding one thousand dollars (\$1,000.00) may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

(1) Extension. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of adoption of such amendment of this Chapter.

(2) Discontinuance. Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished unless a Certificate of Intention as per §609 of State Act 247 of 1968 has been filed. Any future use shall be in conformity with the provisions of this Chapter.

(3) Changes or Moving of Use. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

(4) Additional Structures or Buildings. No additional structures or buildings not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(D) Nonconforming Structures or Buildings. Structures or buildings which at the effective date of this Chapter or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

(1) Enlargement. No such nonconforming structure or building may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Damage or Destruction. A nonconforming structure which is destroyed or partially destroyed by fire, explosion or by any means to an extent of seventy-five percent (75%) or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Chapter.

(3) Moving of Structure or Building. No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

(E) Nonconforming Uses of Structures or Buildings. Lawful uses of structures or buildings which at the effective date of this Chapter or as a result of subsequent amendments thereto become nonconforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

(1) Extension. A nonconforming use may be extended throughout any part of an existing structure or building or a new extension may be constructed, provided that any structural alterations, extensions or additions shall comply with all provisions of this Chapter with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a nonconforming use shall not exceed fifty percent (50%) of the gross floor area occupied by said nonconforming use at the time such nonconforming use became nonconforming.

(2) Change of Use. A nonconforming use of a structure or building, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use of a structure or

building may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

(3) Discontinuance. Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months, such structure or building or portion thereof shall not thereafter be reestablished unless a Certificate of Intention as per §609 of State Act 247 of 1968 has been filed. Any future use shall be in conformity with the provisions of this Chapter.

(4) Destruction. Removal or destruction of the structure or building in which a nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for a nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of the structure or building immediately prior to such damage or destruction. However, if construction begins within twelve (12) months after destruction or partial destruction is begun, the same nonconforming use may be reestablished. The Zoning Hearing Board may, by special exception, authorize another equally appropriate or more appropriate use to be reestablished.

(F) Unsafe or Unlawful Structures or Buildings. If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Board of Supervisors, upon the advice of the Township codes enforcement staff or the Township Engineer, to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located.

(G) Permitted Special Exception Uses Not Nonconforming Uses. Any use which is permitted as a special exception in a zoning district under the terms of this Chapter (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such Zoning District, but shall without further action be considered a conforming use.

(H) Registration of Nonconforming Uses and Structures or Buildings. To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses,

structures and buildings. Such a listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said property and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

(I) Certificate of Intention.

(1) A Certificate of Intention shall be required in all instances where a nonconforming use of land or nonconforming use of a structure or building, is discontinued if the owner or operator of such uses desires to maintain such a nonconforming use

(2) The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered a ministerial duty of the Zoning Officer, who shall not refuse to accept the completed form.

(3) The Zoning Officer shall maintain a separate file for all Certificates of Intention.

(4) Each Certificate of Intention shall be valid for three (3) years.

(Ordinance No. 335, March 26, 2007, Section 408 of Section 2)

Section 409. Site Plan Review.

(A) Scope.

(1) Before a zoning permit is issued for any use designated in the regulations of a district in Part 3 as requiring site plan review, the procedures of this Section shall be followed in order to more effectively administer, enforce and implement the purposes, intent and requirements of this Chapter.

(2) Any proposed development which constitutes a "land development" (as defined in the Township Subdivision and Land Development Ordinance (Chapter XXVII)) shall not be required to separately follow the procedures of this Section. The sketch or preliminary plan shall, however, be submitted to the Zoning Officer to determine compliance with this Chapter.

(B) Procedure.

(1) When the applicant applies to the Zoning Officer for a zoning permit, the applicant shall submit the required number of sets of site plans (contact the Township Zoning Officer for the required number).

(a) No zoning permit shall be granted until after the Planning Commission submits its recommendation to the Zoning Officer or after forty-five (45) days of the date the site plans were submitted.

(b) Site plan approval shall not relieve the applicant from any other provisions of this Chapter nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.

(2) The Zoning Officer shall forward two (2) copies of the site plan to the Planning Commission within seven (7) days of the date of official plan submission. The Zoning Officer shall retain one (1) copy of the site plan for review.

(3) The Planning Commission shall make a written recommendation to the Zoning Officer within forty-five (45) days of the date the plan was submitted on whether the site plan indicates that a zoning permit should be granted or denied. The written recommendation shall include the underlying findings and reasons affecting the recommendation. Failure to make a written recommendation within such forty-five (45) days shall be considered a recommendation to issue such zoning permit.

(4) The Zoning Officer shall review the site plan and the Planning Commission's recommendations and issue or deny the zoning permit within sixty (60) days after the site plan was officially submitted.

(a) The decision of the Zoning Officer shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the day following the decision.

(b) The decision shall indicate the specific provisions of this Chapter and other laws which have not been met and the specific reasons therefore.

(C) Site Plan Requirements. The following information may be required by the Zoning Officer or Planning Commission and shall be included on the site plan:

(1) A statement describing the proposed use.

(2) Site Layout.

(a) A site layout showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(b) Scale of Plan. The site layout shall be drawn to a scale of one (1) inch equals fifty (50) feet for sites less than fifty (50) acres, one (1) inch equals one hundred (100) feet for sites of between fifty (50) and ninety-nine (99) acres and one (1) inch equals two hundred (200) feet for sites of one hundred (100) acres or greater.

(3) The location, dimensions (numbers shown) and arrangements of all open spaces and yards, landscaping, fences and buffer yards including methods and materials to be employed for screening.

(4) The location, size (numbers shown), arrangements and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.

(5) The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.

(6) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

(7) Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.

(8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.

(9) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

(10) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

(11) Site contours at:

(a) Two (2) foot intervals where slopes are five percent (5%) or less.

(b) Five (5) foot intervals where slopes are six percent (6%) to fifteen percent (15%).

(c) Ten (10) foot intervals where slopes are over fifteen percent (15%).

(Note: the Planning Commission may require a smaller contour interval to assure proper design or slope delineation.)

(12) All proposed site grading and drainage provisions and proposals.

(13) A key map showing the entire project and its relation to surrounding properties and existing building thereon.

(14) Zoning districts and requirements.

(15) Soil and slope delineations and Identified Floodplain Areas.

(16) Name of the person who prepared the site plan. (The Zoning Officer or Planning Commission may require the site plan be prepared by Pennsylvania State registered engineer or land surveyor.)

(17) Certification of ownership and acknowledgement of plan signed by owner or developer.

(D) Traffic Impact Study. When a traffic impact study is required under §322 or §323 as part of a special exception use or conditional use application, it shall be submitted with the required site plan and shall comply with the following requirements.

(1) The Traffic Impact Study shall be prepared by a qualified professional traffic engineer with verified experience in preparing such studies.

(2) The area for the traffic study shall be based on sound engineering judgment and an understanding of existing traffic conditions at the site as well as the area which is likely to be affected by the development. The study limits shall be determined by the Township.

(3) The Traffic Impact Study shall contain the following:

(a) The study area boundary and identification of the roadways included within the study area.

(b) A general site description, including:

i) Size and location of existing and proposed land uses and dwelling types.

ii) Construction staging, and completion date of the proposed development.

iii) Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are determined by the Township as having bearing on the development's likely impact.

iv) Within the study area, the applicant must describe existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by government agencies or private parties.

(c) Analysis of existing conditions, including:

i) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (a.m., p.m. and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.

ii) Volume/Capacity Analyses at Critical Points Utilizing techniques described in derivative Highway Capacity Manual, latest edition or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

iii) Level of Service at Critical points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented for all movements. Included in this section shall also be a description of typical operating conditions at each level of service.

iv) A tabulation of accident locations during the most recent three-year period shall be provided.

(d) Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development. The following information shall be included:

i) Daily and Peak Hour(s) Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in Section 409(D)(3)(c)(i) in terms of location and times (daily and peak hours).

ii) Volume/Capacity Analyses at Critical Locations. The ability of the existing roadway system to

accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation, the volume/capacity analysis shall be presented for these conditions.

In the case of existing signalized intersections, Traffic signal timing shall be optimized to determine the best possible levels of service that can be obtained utilizing existing roadway geometry and traffic signal equipment.

iii) Levels of Service at Critical Points. Based on the results obtained in the previous section, Levels of Service (A through F) shall be determined.

(e) Trip Generation. The amount of traffic generated by the development shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township. Trip Generation (latest edition) published by the Institute of Transportation Engineers shall be used unless the Township approves other studies.

(f) Trip Distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Township can replicate these results.

(g) Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from Section 409(D)(3)(d) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

(h) Analysis of Future Conditions with Development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site.

Any unique characteristics of the site or within the study area (e.g. weekend tourists, antique sales, or holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made.

The following information shall be included:

i) Daily and Peak Hour(s) Traffic Volumes. Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.

ii) Volume/Capacity Analysis at Critical Points. Similar to Sections 409(D)(3)(c)(ii) and 409(D)(3)(d)(ii), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.

iii) Levels of Service at Critical Points. As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section for all movements.

(i) Recommended Improvements. In the event that the analysis indicates a decrease in the level of service for all movements will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Township and State which were described in Section 409(D)(3)(b)(iii) and reflected in the analysis contained in Sections 409(D)(3)(c) and 409(D)(3)(d).

i) Proposed Recommended Improvements. This section shall describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.

ii) Volume/Capacity/Analysis at Critical Points. An iteration of the volume/capacity analysis shall be described which demonstrates the anticipated results of making these improvements.

iii) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous Sub-Section, levels of service for the highway system with improvements shall be presented.

(j) Conclusion. The last section of the report shall be a clear, concise description of the study findings.

(E) Site Design Guidelines. The following guidelines are divided into eight (8) categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Officer in their reviews of all site plans. These guidelines are meant to encourage creativity, innovation and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

(1) Relation of Proposed Building to the Surrounding Environment. Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.

(2) Drive, Parking and Circulation. For vehicular and pedestrian circulation (including walkways, interior drives and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.

(3) Surface Water Drainage. Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all stormwater from all roofs, canopies and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.

(4) Utility Service. Place electric and telephone lines underground, where possible. Locate, paint and undertake any other treatment to ensure that any utilities which remain aboveground will have a minimal adverse impact on neighboring properties.

(5) Advertising Features. Ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or

features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.

(6) Special Features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.

(7) Preservation of Landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

(8) Solar Energy Use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to prepare solar access of adjoining properties.

(Ordinance No. 335, March 26, 2007, Section 409 of Section 2)

Section 410. Easements. No structure shall be constructed, erected, relocated to or placed within an existing easement or right-of-way without the written permission of the person, party or entity to which the easement or right-of-way benefits. (Ordinance No. 335, March 26, 2007, Section 410 of Section 2)

Section 411. Historic Buildings.

(A) Purpose. This Section regulating the demolition and use of historic buildings is intended to:

(1) Promote the retention of community character through preservation of the local heritage by recognition and protection of historical and architectural resources;

(2) Establish a clear process to review and approve demolition of designated historical buildings;

(3) Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings; and

(4) Regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.

(B) Applicability. This Section shall apply to any building eligible for the National Register of Historic Places, identified by the Berks County Conservancy or identified by the Pennsylvania Historical and Museum Commission.

(C) Delay of Demolition of Historic Buildings. A principal building regulated by this Section shall not be partially or entirely demolished unless a minimum of sixty (60) days has passed from the date that a valid permit application has been duly submitted to the Zoning Officer for the demolition. After such time period, the permit may be issued by the Zoning Officer for the demolition if all requirements of Township Ordinances have been met. The intent of this delay is to provide:

(1) A mechanism to discourage thoughtless and unnecessary destruction of valuable historic resources;

(2) A mechanism that allows interested parties an opportunity to encourage a property owner to consider alternatives to demolition; and

(3) Opportunities for historic resources to be documented before they may be demolished, and to permit the salvage of historic features before demolition.

(D) Partial Demolition. For purposes of this Section, partial demolition shall include, but not be limited to, removal of a porch or a wing of a building.

(E) Municipal Review. The Township Planning Commission and Board of Supervisors shall receive a copy of application for demolition of a building regulated by this Section and shall have thirty (30) days to review and make comments.

(F) Emergency. The Zoning Officer may issue a permit for the demolition without compliance with the sixty (60) day delay if the Township Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

(G) Exceptions. The delay of demolition required by this Section shall not be applicable to the following:

(1) Demolition of accessory structures that are not attached to the principal building.

(2) Interior renovations or removal of features that do not harm the structural stability of the building and that are not visible from a public street.

(3) Removal of features that were added within the last 80 years.

(4) Relocation of a building, provided that it does not result in a partial or complete demolition as regulated in this Section.

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

(I) Demolition by Neglect.

(1) Every owner of a building regulated by this Section shall repair and maintain the building to avoid demolition by neglect. This shall include maintaining the structural integrity of the building and protecting the building and attached features from damage from the elements. These attached features include the roof, chimney, cornice, soffit, fascia, spouting, columns, beams, posts, window sills, door sills and lintels.

(2) If a property owner fails to comply with an order from the Building Inspector to repair a building regulated by this Section to correct a code violation that threatens the structural integrity of a building, such matter shall be considered a violation of this Section and the property owner may also be cited for a violation of this Chapter.

(J) Additional Uses within Rehabilitated Historic Buildings

(1) A rehabilitated building regulated under this Section may be used for any principal use and its accessory uses as permitted in the zoning district within which it is located, and in accordance with all relevant provisions of this Chapter.

(2) Each of the following additional principal uses and their accessory uses may be permitted within a rehabilitated building regulated under this Section as a special exception use by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter.

- (a) Art, photography or dance studio*.
- (b) Bed and breakfast*.
- (c) Business office.
- (d) Community center.
- (e) Day care, nursery school*.
- (f) Financial establishment*.
- (g) Government office.
- (h) Medical clinic/medical office*.
- (i) Personal service establishment.
- (j) Professional office.

*See §321 for additional requirements.

(3) To be eligible for the above uses, the applicant shall prove to the Zoning Hearing Board's satisfaction that the exterior of the building as visible from public streets shall be historically rehabilitated in accordance with accepted standards and practices.

(4) The building shall not be expanded by more than twenty (20%) percent of its floor area for a use permitted under this Section. This limitation on building expansion shall not apply if the proposed use is allowed in the zoning district without applying the provisions of this Section.

(5) All above uses shall be in accordance with the relevant provision listed in this Chapter for that use, including the off-street parking provisions.

(Ordinance No. 335, March 26, 2007, Section 411 of Section 2)

Section 412. Airport Zoning.

(A) The Township Reading Municipal Airport Zoning Ordinance (Chapter XXXIII), including the Airport Zoning Map, shall be considered in addition to this Chapter.

(B) No building, structure or land shall be used, occupied, erected, moved, enlarged or structurally altered unless it is in conformity with the

applicable provisions of the Township Reading Municipal Airport Zoning Ordinance (Chapter XXXIII).

(Ordinance No. 335, March 26, 2007, Section 412 of Section 2)

Part 5

Environmental Protection

Section 501. Environmental Preservation Required.

(A) All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.

(B) All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas and the preservation of attractive views and any other natural features existing on the site.

(Ordinance No. 335, March 26, 2007, Section 501 of Section 2)

Section 502. Prohibited Nuisances. No land or structure in any zoning district shall be used or occupied in any manner that creates any nuisance in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety. (Ordinance No. 335, March 26, 2007, Section 502 of Section 2)

Section 503. Slope Controls.

(A) Intent. Areas exist within each zoning district that would have special constraints on development because of the topography. These concerns include soil erosion, stream siltation, unsatisfactory onlot sewage disposal, excessive cut and fill requirements, loss of vegetation and increase runoff and flooding. The intent of this Section is to establish certain restrictions relating to permitted uses, bulk, area and coverage requirements for property located on slopes of fifteen percent (15%) or more. It is not the intent, however, to prohibit development, but merely to insure that adequate consideration has been given to these unique problems and that adequate safeguards will be taken.

(B) Exceptions. The following existing features are excluded from the definition of steep slope areas;

(1) Man-made embankments within street rights-of-way which are a result of cut and fill operations and are not the natural condition of the land.

(2) Stormwater detention and retention basins.

(3) Man-made landscape berms.

(C) Lots Containing Slopes of Fifteen Percent (15%) or Greater.

(1) The minimum lot area for a lot containing slopes of fifteen percent (15%) or greater shall be the summation of the following:

(a) The percentage of the lot area having slopes less than fifteen percent (15%) multiplied times the minimum lot area required for the district within which it is located; plus

(b) The percentage of the lot area having slopes between fifteen percent (15%) and twenty-five (25%) multiplied times three (3) acres; plus

(c) The percentage of the lot area having slopes greater than twenty-five percent (25%) multiplied times five (5) acres.

(2) The minimum lot width for a lot containing slopes of fifteen percent (15%) or greater shall be the summation of the following:

(a) The percentage of the lot area having slopes less than fifteen percent (15%) multiplied times the minimum lot width required for the district within which it is located; plus

(b) The percentage of the lot area having slopes between fifteen percent (15%) and twenty-five (25%) multiplied times two hundred (200') feet; plus

(c) The percentage of the lot area having slopes greater than twenty-five percent (25%) multiplied times three hundred (300') feet.

(3) Slopes of twenty-five percent (25%) or greater shall not be altered, regraded, cleared, built upon or otherwise disturbed unless such disturbance is necessary:

(a) To accommodate an access drive or driveway when no other feasible route for such an access drive or driveway exists and if the slope is disturbed to the minimum extent necessary to accommodate such access drive or driveway; or

(b) To accommodate a trail or trails that are part of an existing or planned trail network and are located and constructed based upon accepted best management practices for minimizing erosion.

(c) Installation of underground utilities, where the applicant has demonstrated to the Township's satisfaction that no alternative location is feasible and that the proposal consists of the minimum disturbance necessary to provide utility service.

(4) In no case shall more than twenty-five percent (25%) of the area containing slopes between fifteen percent (15%) and twenty-five percent (25%) be disturbed.

(5) In no case shall more than fifteen percent (15%) of the area containing slopes of twenty-five percent (25%) or greater be disturbed.

(D) Procedures.

(1) The Zoning Officer will advise the applicant when his property or parcel lies within such a slope designation. The Zoning Officer will not issue a zoning permit until a plan is submitted indicating, to the satisfaction of the Township Engineer, that all potential problems of steep slopes have been resolved.

(2) Plans shall show existing topography, proposed structure and building locations, streets and driveways location and grade, site drainage, sanitary facilities, grading plan, revegetation or planting plan prepared by a registered architect, engineer or landscape architect. Plans shall be accompanied by drawings or a statement of how problems of surface water runoff, erosion, soil stabilization, onlot sewage disposal, revegetation, sediment control and all other associated problems are proposed to be overcome.

(3) Should the area designated as steep slopes be found to be inaccurate, based on a topographical survey prepared by a licensed surveyor or engineer, showing two (2) foot contour intervals, then the zoning requirements for such property shall be deemed to be the regulations of the district in which the property is located.

(4) The Zoning Officer should maintain a map or overlay including areas of steep slopes.

(Ordinance No. 335, March 26, 2007, Section 503 of Section 2)

Section 504. Areas With High Water Table.

(A) Any proposed land use which may directly (by means of effluent discharge into the ground) or indirectly (though the leaching of stored materials) result in the pollution of the groundwater shall be prohibited from developing in any area which has a year-round or seasonal high water table which comes to within any distance of the ground surface which violates PADEP regulations.

(B) The determination of such hazards shall be made by the appropriate State agency and/or by a qualified sanitary engineer, geologist or soil scientist approved by the Board of Supervisors.

(C) The County Soil Survey developed by the United States Soil Conservation Service shall be used to establish high water table soils, unless more accurate information is available.

(Ordinance No. 335, March 26, 2007, Section 504 of Section 2)

Section 505. Development Along Water Bodies. No structure nor off street parking area shall be within fifty (50) feet of the banks of any stream, lake or pond, except for public recreation uses. (See also §517 Wetland Buffers and §518 Riparian Buffers) (Ordinance No. 335, March 26, 2007, Section 505 of Section 2)

Section 506. Floodplain Regulations. Any proposed land use or activity, or any proposed site or building alteration, shall comply with the provisions of the Township of Spring Floodplain Ordinance (Chapter X). (Ordinance No. 335, March 26, 2007, Section 507 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 507. Filling, Excavation and Grading.

(A) All activities which require the moving of earth or the filling or excavating of an area shall submit a plan to the Township showing site grading and erosion control measures.

(B) Grading Regulations.

(1) The existing grade shall not be increased so that unstable slopes are created.

(2) The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.

(3) The deposit of soils, detritus or other debris (as a result of site preparation, grading or excavating) shall not be unsightly or detrimental to any property, street, sewer or natural Watercourses.

(4) All County Soil Conservation Service regulations shall apply.

(Ordinance No. 335, March 26, 2007, Section 508 of Section 2; Amended by Ordinance 392, Sections 7 and 9, June 11, 2012)

Section 508. Tree Preservation.

(A) Intent. The purpose of this Section is to conserve forested areas in order to preserve wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas, conserve energy, protect and enhance property values and avoid other negative environmental impacts.

(B) Applicability. Forestry, including timber harvesting, shall be a use permitted by right within all zoning districts. The provisions of this section shall apply to all timber harvesting operations where lumber will leave the site and where the affected area will exceed one-half (1/2) acre for clear cutting operations or one (1) acre for all selective cutting operations.

(C) All forestry or timber harvesting operations, having affected areas which exceed the sizes listed above, shall comply with the regulations for forestry and timber harvesting under §321 of this Chapter. All forestry or timber harvesting operations, regardless of the size of the affected area, shall comply

with the applicable provisions of Part 5, including, but not limited to, the provisions of §503 Slope Controls, §517 Wetland Buffers and §518 Riparian Buffers.

(D) Exceptions. These provisions shall not apply to the following:

- (1) The cutting of trees for the personal use of the landowner;
- (2) A bonafide plant nursery or Christmas tree farm;
- (3) The routine "thinning" of a wooded area, involving the cutting down on one (1) or more abutting lots, within a single calendar year, up to 20% of the trees having a diameter at breast height (DBH, typically 4.5 feet from the ground) greater than 6 inches, with such cutting being well-distributed throughout the wooded area;
- (4) The cutting of trees that create a hazard to vehicular sight distance.
- (5) The removal of defective, decayed, diseased or dying trees.

(E) Compliance Responsibility. The landowner and the operator performing the timber harvesting operations shall be jointly and individually responsible for complying with the provisions of this Section.

(Ordinance No. 335, March 26, 2007, Section 509 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 509. Outdoor Storage Control.

(A) No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks or drums of less than six hundred (600) gallons of fuel which is directly connected with engines, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel and which have been approved by the Township.

(B) All outdoor storage facilities for fuel, raw materials and products stored outdoors (including those permitted in §509(A)) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public health, safety and welfare.

(C) No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.

(D) No substance which can (i) contaminate groundwater or surface water, (ii) render groundwater or surface water undesirable as a source of water supply or recreation or (iii) destroy aquatic life shall be allowed to enter any groundwater or surface water.

(E) Applicable PADEP regulations shall apply.

(Ordinance No. 335, March 26, 2007, Section 510 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 510. Sewage Waste Treatment and Disposal Control.

(A) All methods of sewage and waste treatment and disposal shall be approved by the PADEP and in accordance with the sewage plan for the Township.

(B) The standards of the regulations specified in §509(A) or the following standards (whichever is more restrictive) shall apply:

(1) Discharged wastes shall not contain any:

(a) Toxic substance.

(b) Gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.

(c) Cyanides or halogens.

(d) More than ten (10) ppm of the following gases: hydrogen sulfide, sulfur dioxide or nitrogen dioxide.

(e) A chlorine demand in excess of fifteen (15) ppm.

(f) Phenol in excess of 0.0005 ppm.

(g) Grease fats or oils, or any oily substance in excess of one hundred (100) ppm or exceeding a daily average of twenty-five (25) ppm.

(h) Liquid having a temperature higher than one hundred fifty (150) degrees F.

(i) Matter containing any ashes, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any solid or viscous substance capable of causing obstructions or other interference with the proper operation of a sewage treatment plant.

(j) Any insoluble substances which:

- 1) Are in excess of ten thousand (10,000) ppm.
- 2) Exceed a daily average of five hundred (500) ppm.
- 3) Fail to pass a No. 8 sieve.
- 4) Have a dimension greater than one-quarter (0.25) inch.

(k) Liquid having a pH lower than five (5.0) or higher than nine (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel.

(l) Material which would be harmful to the treatment of sewage.

(2) Acidity and alkalinity of wastes shall be neutralized with a pH seven (7.0) as a daily average on a volumetric basis, with a temporary variation of pH five (5.0) to nine (9.0).

(C) Recertification of the adequacy of sewage disposal systems shall be required, prior to the expansion or conversion of an existing use.

(Ordinance No. 335, March 26, 2007, Section 511 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 511. Noise Control.

(A) No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following

table when measured at or within the property boundary of the land use generating such sound:

Sound Level Limits by Receiving Land Use and Time

Receiving Land Use Category	Time	Sound Level Limit
Residential, Public Space, Open Space, Agricultural or Institutional	1) 7:00 a.m. to 10:00 p.m.	60 dBA
	2) 10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial or Business	1) 7:00 a.m. to 10:00 p.m.	65 dBA
	2) 10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	50 dBA
Industrial	At all times	70 dBA

(B) For any source of sound which emits a pure tone, the maximum sound level limits set forth in §511(A) shall be reduced by five (5) dBA.

(C) The maximum permissible sound level limits set forth in §511(A) shall not apply to any of the following noise sources:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) Emergency work to provide electricity, water or other public utilities when public health or safety are involved.

(3) Domestic power tools, between the hours of 8 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays or Sundays.

(4) Explosives and construction operations.

(5) Agriculture.

(6) Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.

(7) Public celebrations, specifically authorized by the Township.

(8) Surface carriers engaged in commerce by railroad.

(9) The unamplified human voice.

(D) For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval) the excursions of sound pressure level shall not exceed twenty (20) dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

(Ordinance No. 335, March 26, 2007, Section 512 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 512. Dust, Dirt, Smoke, Vapors, Gases and Odors Control.

(A) No person shall operate or permit the operation of any device, or conduct or permit any use to be conducted which does not conform with the standards established under the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, and Title 25, Rules and Regulations, PADEP, Subpart C, Protection of Natural Resources, Article III Air Resources.

(B) No one shall generate odors that would be seriously offensive to persons of average sensibilities.

(Ordinance No. 335, March 26, 2007, Section 513 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 513. Light, Glare and Heat Control. All uses shall minimize the production of light, heat or glare that is perceptible beyond any property line of the lot on which the light, heat or glare is produced. (Ordinance No. 335, March 26, 2007, Section 514 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 514. Electric, Diesel, Gas or Other Power. Every use requiring power shall be so operated that any service lines, 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.
- (C) Be concealed by evergreen planting from residential properties.

(Ordinance No. 335, March 26, 2007, Section 515 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 515. Control of Radioactivity, Electrical Emissions and Electrical Disturbances.

(A) No person shall operate or permit the operation of any device, or conduct or permit any use to be conducted which does not comply with the regulations of the PADEP's Division of Radiology, the Federal Nuclear Regulatory Commission, and the Federal Interstate Commerce Commission.

(B) No person shall conduct or permit any use to be conducted which causes electrical disturbances (except from domestic household appliances) to adversely affect any equipment at any time other than the equipment creating the disturbance.

(Ordinance No. 335, March 26, 2007, Section 516 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 516. Manufacturing and Storing of Dangerous Material Prohibited.

(A) No person shall use any land or erect any building or structure for the commercial or industrial manufacture or storage of coal, oil, coal oil, chlorine, fuel oil, burning fluid, naphtha, benzol, benzene, gasoline, dynamite, nitro glycerin, gunpowder, petroleum, or other combustible, inflammable, or dangerous liquid or material, unless otherwise permitted in this Chapter.

(Ordinance No. 335, March 26, 2007, Section 517 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 517. Wetland Buffers.

(A) Wetland buffers, having a minimum width of thirty-five (35) feet, shall be required adjacent to all jurisdictional wetlands identified pursuant to this section. Buffers shall serve as an ecological transition zone from non-wetlands to wetlands, which is an integral portion of the wetlands ecosystem, providing temporary refuge for wetland fauna during high water episodes, critical habitat for animals dependent upon but not resident in wetlands, and slight variations of wetland boundaries over time due to hydrologic or climatologic effects. Buffers also serve as a sediment and stormwater control zone to reduce the impacts of development upon wetlands and wetland species.

(B) Within the required wetland buffer no removal of existing natural vegetation, earth moving activities or impervious surfaces shall be permitted.

(C) Exceptions. Notwithstanding the above, the following encroachments shall be permitted within a wetland buffer in cases where a permit has been obtained from the appropriate State or Federal agency for such encroachment within the adjacent wetland area. In such cases the Township must be provided with a copy of the permit or a notice from these agencies stating the proposed encroachment is exempt from their permit requirements. Where such encroachments are permitted, the wetland and buffer areas shall be restored to their natural condition and grade, to the maximum extent possible.

(1) Underground utilities.

(2) Access roads or drives, where the applicant has demonstrated to the Township's satisfaction that no alternative location is feasible and that the proposal consists of the minimum disturbance necessary to provide adequate access.

(D) All lands designated as wetlands within the Township are subject to the restrictions and/or permits of the PADEP and the United States Army Corps of Engineers.

(E) For any proposed improvements or earth disturbance, the Township shall determine whether a wetland delineation will be required by a qualified professional. Wetland delineations shall be accompanied by a technical report and appropriate data forms describing the results of the evaluation.

(Ordinance No. 335, March 26, 2007, Section 518 of Section 2) ; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Section 518. Riparian Buffers.

(A) Riparian buffers are required along all streams or watercourses in order to provide water resource protection, including the following:

(1) Reduction of the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses.

(2) Provision of shade which moderates stream temperature and protects fish habitat.

(3) Provision of stream bank stability which protects fish habitat and controls sediment and erosion.

(4) Provision of organic matter through leaves which fall in the stream and provide food and habitat.

(5) Conservation of the natural features important to land and water resources.

(B) Riparian buffers shall be consist of any area within thirty-five (35) feet of any stream bank.

(C) No woodland or land disturbance shall be permitted within any riparian buffer, except for the following:

(1) Timber harvesting in accordance with a woodland management plan submitted to the Township and prepared by a professional consulting forester;

(2) Vegetation management in accordance with an approved landscape plan or open space management plan;

(3) Customary agricultural practices in accordance with a soil conservation plan approved by the Berks County Conservation District;

(4) Regulated activities permitted by the Commonwealth.

(5) Installation of underground utilities and access roads or drives, where the applicant has demonstrated to the Township's satisfaction that no alternative location is feasible and that the proposal consists of the minimum disturbance necessary to provide utility service or adequate access.

(6) Provision of unpaved trail access;

(7) Selective removal of hazardous or invasive alien vegetative species.

(Ordinance No. 335, March 26, 2007, Section 519 of Section 2; Amended by Ordinance 392, Sections 7 and 8, June 11, 2012)

Part 6

Signs

Section 601. Scope and Applicability.

(A) Signs perform an important function by identifying a broad range of land uses.

(B) Control of the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs is necessary to promote the health, safety, general welfare and aesthetics of the Township. Signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. Signs also provide a guide to the physical environment and, as such, serve an important function to the community and economy. Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to draw the attention of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, can constitute a serious traffic safety threat.

(C) The term "sign" shall mean any object, device, display or structure that is used to advertise, identify, display, direct, inform or attract attention.

(D) Those elements which may be excluded from sign controls include (1) flags of any governmental unit or branch or of any charitable or religious organization, (2) flags or signs posted by any religious organization to provide directions to a place of worship, (3) interior signs not visible from a public right of way or adjoining property, (4) cornerstones built into or attached to a wall of a building commemorating a person or event, (5) official notices of any court or public office, (6) legal notices posted pursuant to law, and (7) public service signs as aids to safety or service.

(E) In all permitted districts signs may be erected, altered, maintained, used, removed or moved only if they comply with the provisions of this Chapter and other regulations of the Township relating to such activities.

(Ordinance No. 335, March 26, 2007, Section 601 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 602. General Sign Regulations.

(A) No sign shall be erected containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter in the zoning district within which the property to which the sign relates is located.

(B) On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product within thirty (30) days of the cessation of the original use or product availability. Only signs in conformance with this Chapter shall replace signs once removed.

(C) No sign shall be so located or arranged that it interferes with traffic because of glare; blocking of reasonable sight lines for streets, sidewalks, or driveways; confusion with a traffic control device (by reason of color, location, shape, or other characteristic); or any other reason.

(D) In no case shall any sign, other than an official sign, be erected within the official right-of-way of any street, unless specifically authorized by ordinance or regulation of the Township and in conformance with the Commonwealth of Pennsylvania regulations, where appropriate.

(E) In no case shall any sign, other than an official sign, be erected within the boundaries of a designated clear sight triangle at an intersection of streets or access drives, unless it complies with the provisions of Section 405(H) of this Chapter.

(F) Signs may be illuminated by direct lighting but shall have such lighting shielded so no glare or direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No red, amber, or green lights shall be permitted, and no flood or spotlights shall be mounted higher than fifteen (15) feet above ground level.

(G) No sign, except such directional devices as may be required by the Federal and State Aviation Authorities, that is a part of or is supported by a building, shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof of any building.

(H) All sign provisions of this Chapter shall apply to signs on smokestacks, water towers, and other similar structures.

(I) Non-illuminated temporary signs may be permitted on new construction sites, if such signs do not to exceed twelve (12) square feet in total area and if they are removed within seven (7) days after completion of the construction work. Not more than one (1) sign shall be placed on each street frontage of the construction site.

(J) Temporary signs announcing or advertising any political, educational, charitable, civic, professional, religious, philanthropic or similar campaign, drive or event may be permitted on non-residential properties only for a total period not to exceed thirty (30) days in any calendar year, providing such signs do not exceed thirty-two (32) square feet in area and are removed promptly after the completion of the campaign, drive or event.

(K) If an establishment has walls fronting on two (2) or more streets, the sign area for each street may be computed separately.

(L) No sign in other than a residential district shall be located so as to face any residential district on the same side of the street on which the property bearing the sign fronts.

(M) Free-standing signs shall be set back at least ten (10) feet from the street right of way line. No free-standing sign shall project beyond a street right-of-way line. No free-standing sign in other than a residential district shall be within thirty-five (35) feet of any residential district boundary line.

(N) Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.

(O) Projecting signs shall not extend more than four (4) feet from the wall or surface to which they are mounted. Projecting signs shall not interfere with normal pedestrian or vehicular traffic, shall not be less than ten (10) feet above the pavement of ground, and shall not be closer than six (6) feet to the property line.

(P) No signs shall be posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way. No temporary signs shall be placed on any Township-owned property or on any other edifice owned or controlled by any governmental entity or any public utility except signs specifically authorized by such government or public utility.

(Q) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to

become dilapidated or a hazard shall be repaired or removed by the property owner or lessee of the property or may, after 30 days notification, be removed by the Township at the expense of the owner or lessee of the property on which it is located.

(R) No person shall maintain or permit to be maintained on any premises that they own or control a sign which has been abandoned. Any such abandoned sign shall be repaired or removed by the property owner or lessee of the property or may, after 30 days notification, be removed by the Township at the expense of the owner or lessee of the property on which it is located. An "abandoned sign", for the purpose of this Section is a sign that:

(1) Is located on and/or related to the use of a property which becomes vacant and unoccupied for a period of nine months or more,

(2) Was erected for an occupant or business unrelated to the present occupant in business and is not being lawfully used for the new occupant; or

(3) Which relates to a time, event or purpose which is past.

(S) Signs existing at the time of passage of this Chapter and which do not conform to the requirements of this Chapter shall be considered non-conforming signs and once removed shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including lighting), provided that a repainted or repaired sign does not exceed the dimensions of the existing sign. Copy may also be changed, but a new permit must be obtained before such copy change takes place. Any nonconforming sign which is damaged in excess of 25% of its cost of replacement or is removed shall be replaced only with a conforming sign.

(T) In addition to other applicable regulations of the Township and state laws, the following shall apply to all adult business use signs and other visible messages:

(1) Sign messages shall be limited to written descriptions of material or services available on the premises.

(2) Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.

(3) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

(4) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

(Ordinance No. 335, March 26, 2007, Section 602 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 603. Permitted Signs. The types, numbers and sizes of signs shall be in accordance with the following regulations.

(A) All Zoning Districts.

(1) Official traffic or directional signs and other official Federal, State, County or local government signs.

(2) Temporary signs announcing any political, educational, charitable, civic, religious, philanthropic, or similar campaign, drive or event only for a total period not to exceed thirty (30) days in any calendar year, provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed promptly upon the completion of the campaign, drive or event.

(3) Signs advertising the sale or rental of the premises upon which the sign is located. Such signs shall not exceed six (6) square feet in area and shall be removed within seven (7) days after settlement or a lease has been entered into. No more than one (1) such sign shall be placed on the property unless said property fronts on more than one (1) street, in which case one (1) sign may be located on each street frontage.

(4) Temporary signs of architects, builders, contractors, developers, engineers and similar artisans, which are erected and maintained on the premises where the work is being performed. Such signs shall not exceed twelve (12) square feet in area and shall be removed promptly upon completion of the work.

(5) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

(6) Nameplate signs displaying the name and address of the occupant of a dwelling, or dwelling unit, provided that the area of each such sign shall not exceed two (2) square feet and provided that such a sign shall not be internally illuminated or illuminated by any lighting having a total wattage of more than one hundred (100) watts.

(7) Temporary signs erected in connection with the development or proposed development on the premises by a builder, contractor, developer, or other persons with an interest in such development. The aggregate area of such signs shall not exceed thirty-two (32) square feet in area and shall be removed within seven (7) days after the last structure has been initially occupied. When a developer is engaged in selling lots only, the temporary signs advertising the sale of lots in the development shall be permitted during the initial period of the development project, which period shall commence with the recording date of the development plan and shall end twelve (12) months thereafter. The permit for such signs may be renewed at the end of each twelve (12) month period. The text of the sign shall clearly indicate that a development is "proposed" unless all necessary municipal approvals have been obtained.

(8) Signs identifying a permitted home occupation displaying the name, profession or activity, and address of the occupant, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed two (2) square feet. Each such sign shall not be internally illuminated or illuminated by any lighting having a total wattage of more than one hundred (100) watts. Notwithstanding the foregoing, no signs shall be permitted which advertise a no-impact home-based business.

(9) Signs identifying residential subdivisions or land developments comprising ten (10) or more dwelling units. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight (8) feet. These signs may be located at up to three of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.

(10) Temporary signs identifying a yard or garage sale, provided (1) no more than two signs per event, (2) each sign shall not exceed four square feet in area, and (3) all signs shall be placed a maximum of twenty-four (24) hours prior to a sale and removed within twenty-four (24) hours after the sale.

(11) Temporary signs advertising the temporary sale of products or goods such as Christmas trees, Easter flowers, fireworks, etc., provided such signs shall not exceed 12 square feet in area and shall not be posted earlier than thirty (30) days before the date of the event to which they pertain and shall be removed within seven (7) days of said event.

(B) Residential Districts.

(1) Sign, bulletin, announcement board or identification sign for schools, churches, hospitals, sanitariums, clubs, multi-family dwellings or other principal uses and buildings for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.

(2) Sign offering the sale of farm products, nursery products or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.

(3) Sign denoting membership in agricultural associations, cooperatives or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign on any one street frontage.

(C) Signs for Multi-Family Dwellings (Garden Apartments or Townhouses). The following signs shall be permitted:

(1) Freestanding signs advertising the sale or rental of the premises upon which the sign is erected, provided that (a) the total area of the sign does not exceed forty (40) square feet, (b) there shall be no more than one (1) such sign on any one lot on the same street frontage, and (c) no sign shall be erected so as to stand higher than any of the buildings it advertises. For the purpose of this Chapter, multi-family dwelling units shall not be advertised by such real estate signs for more than twelve (12) months after building construction is completed.

(2) Directional signs, not to exceed two (2) square feet each, erected within the multi-family complex itself to direct persons to a rental office or sample apartment.

(3) Permanent identifying signs for the purpose of indicating the name of the multi-family complex and for the purpose of identifying the individual buildings within the complex. Not more than one (1) sign for each entrance to the complex shall be permitted and no such sign shall exceed ten (10) square feet in size. Signs to identify the individual buildings within the complex shall not exceed six (6) square feet in size.

(D) Commercial and Industrial Districts.

(1) Signs directing patrons, members or audience to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such sign (a) shall not exceed six (6) square feet, (b) shall be removed within two (2) weeks after the date of the exhibit, show, event or election, and (c) shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event, except that political signs shall not be posted earlier than one (1) month prior to an election.

(2) Wall or free-standing signs on the same lot as the use to which they relate, provided that the total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building façade length, but not to exceed an aggregate area of one hundred sixty (160) square feet. No more than one (1) freestanding sign structure shall be permitted on a lot having less than five hundred (500) feet of street frontage. No more than two (2) freestanding sign structures shall be permitted per lot.

(3) Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed sixty (60) consecutive days. Banners shall not exceed twenty (20) square feet in sign area.

(4) "A" type, sandwich type, sidewalk, or curb signs and balloons or devices shall be permitted only in commercial, business, and industrial districts for special occasions not more than four (4) times a year for a period totaling not more than fifteen (15) days within a calendar year, as long as they do not obstruct any public right-of-way. At no other time shall such devices be permitted. Such "A" type, sandwich type,

sidewalk, or curb signs shall not exceed thirty-two (32) square feet in area per side.

(5) Window signs shall not exceed 20% of the total area of the window.

(6) Signs identifying office, commercial or industrial subdivisions or land developments comprising three (3) or more principal uses. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight (8) feet. These signs may be located at up to three of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.

(7) Signs indicating the existence of, and direction to tourist attractions of a natural, scenic and/or outdoor recreational nature, provided that no such sign shall exceed twenty (20) square feet.

(8) Electronic Changeable Copy Signs, in accordance with the provisions under Section 606.

(Ordinance No. 335, March 26, 2007, Section 603 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 604. Signs Prohibited in all Districts

(A) Signs which in any way simulate official, functional, directional, or warning signs erected or maintained by the Federal, State, County, or any municipal government, or by any railroad, public utility, or similar agency concerned with the protection of public health or safety.

(B) Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as otherwise permitted within this Chapter.

(C) Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature.

(D) Video display signs.

(E) Electronic changeable copy signs, except as otherwise permitted within this Chapter.

(F) Off-Premises Signs, except as otherwise permitted within this Chapter.

(G) Multi-Vision Signs.

(H) Portable changeable copy signs.

(I) Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving lights that does not fall under the definition of a video display sign, an electronic changeable copy sign, or an electronic graphic display sign.

(J) Signs placed, inscribed or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.

(K) Signs which emit smoke, visible vapors or particles, sound or color.

(L) Signs or displays that include words or images that are obscene, pornographic or highly offensive to public decency.

(M) Signs that are not in good repair or do not meet construction standards.

(N) Signs erected without a building permit.

(O) Signs that contain out-of-date political messages.

(P) Signs that are illegal under State law or regulations.

(Q) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble any official traffic sign, signal, or device.

(R) Signs that are erected or maintained on trees or painted or drawn on rocks or other natural features.

(S) Signs that prevent free ingress or egress from any door, window, or fire escape or that are attached to a standpipe or fire escape.

(T) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.

(U) Temporary signs, when located on the same property as an electronic changeable copy sign.

(Ordinance No. 335, March 26, 2007, Section 604 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 605. Off-Premises Signs (Billboards).

(A) Location of Off-Premises Signs.

(1) Off-premises signs shall be permitted only within the Planned Highway Commercial (PHC) District along U.S. 222 and the Planned Industry/Business (PIB) District along the corridor of U.S. 222.

(2) No off-premises sign shall be erected less than ten (10) feet nor more than fifty (50) feet from any street right-of-way line.

(3) No off-premises sign shall be located closer than 300 feet from any existing dwelling on an adjoining residential lot.

(4) V-type or back-to-back off-premises sign shall be considered one sign.

(5) No two (2) off-premises signs shall be spaced less than 1,500 feet apart along any street.

(6) No off-premises sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(B) Size of Off-Premises Signs.

(1) The maximum gross surface area of an off-premises sign shall be six hundred seventy-two (672) square feet, with a maximum length of forty-eight (48) feet, plus temporary embellishments not exceeding twenty (20) percent of the sign's gross surface area.

(C) Height of Off-Premises Signs.

(1) There shall be a maximum height of forty-five (45) feet to the top of an off-premises sign face, measured from the ground level at the base of the sign.

(D) Lighting of Off-Premises Signs.

(1) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any off-premises sign.

(2) Flashing devices shall not be permitted on an off-premises sign. However, illuminated signs that indicate customary public information, such as time, date, temperature, or other similar information, shall be permitted.

(3) External lighting, such as floodlights, thin line, and gooseneck reflectors, are permitted, provided that the light source is directed on the sign face and is effectively shielded so as to prevent beams of light from being directed onto any portion of a street.

(4) The illumination of any sign shall be diffused or indirect in design to prevent direct rays of light from shining onto residential districts.

(E) Off-Premises Signs with an Electronic Process or Remote Control.

(1) All messages/displays shall remain unchanged for a minimum of five (5) seconds.

(2) The time interval used to change from one complete message/display to the next complete message/display shall be a maximum of one (1) second.

(3) There shall be no appearance of a visual dissolve or fading, in which any part of one message/display appears simultaneously with any part of a second message/display.

(4) There shall be no appearance of flashing or sudden bursts of light, animation, movement, or flow of the message/display.

(5) Any illumination intensity or contrast of light level shall remain constant.

(F) Prohibited Off-Premises Signs.

- (1) Signs that have multiple sign faces oriented in the same direction and aligned in a side-by-side or high/low fashion.
- (2) Signs that advertise defunct businesses.
- (3) Signs that are not securely fixed on a substantial structure.
- (4) Signs that meet the definitions of video display signs or multi-vision signs, or contain portions that meet such definitions.

(G) Construction Standards.

- (1) All off-premises signs shall be constructed in accordance with the current Building Code of the Township of Spring.
- (2) The structural elements of all off-premises signs shall be of metal construction.

(Ordinance No. 335, March 26, 2007, Section 605 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 606. Electronic Changeable Copy Signs. In addition to complying with all other requirements of this Chapter, electronic changeable copy signs shall comply with the following provisions.

(A) Location of Electronic Changeable Copy Signs

(1) Electronic changeable copy signs shall be permitted only within the following Districts:

- (a) Neighborhood Convenience (NC) District.
- (b) Planned Highway Commerce (PHC) District.
- (c) Planned Highway Interchange (PHI) District.
- (d) Planned Office/ Business District (POB) District.
- (e) Planned Business and Residential (PBR) District.
- (f) Planned Industry/ Business (PIB) District.
- (g) Extractive Industry (EI) District.
- (h) Fuel Storage (FS) District.

(2) In Zoning Districts other than those listed in Section 606(A)(1), electronic changeable copy signs may be permitted by the Zoning Hearing Board as a special exception use in accordance with the

standards contained in Section 322 of this Part for any lot containing one of the following principal uses :

- (a) College or university.
- (b) Community center.
- (c) Fire station
- (d) Nursery school/day care center.
- (e) Place of worship.
- (f) Public recreation.
- (g) School, public/private.
- (h) Township-owned use, including Township park.

(3) Such sign must be located on the lot containing the use identified or advertised on the sign. No electronic changeable copy sign shall advertise for businesses, goods or products not located on the premises on which the sign is located. This shall not prohibit general messages to the public such as community events, birthdays, etc.

(B) Setbacks of Electronic Changeable Copy Signs.

(1) Any electronic changeable copy sign shall be set back a minimum of thirty-five (35) feet from the property boundary line of any existing principally residential use and from the boundary of any residential district.

(C) Size of Sign. An electronic changeable copy sign may be used only in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The electronic changeable copy portion of the sign shall not be larger than (40%) of the total area of the permanent graphic portion of the sign when compared as graphic components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the electronic changeable copy portion of the sign shall be included in the same perimeter inclusive of any physical separation between the two components.

(D) Operational Limitations. Electronic changeable copy signs shall contain static messages only, changed only through dissolve or fade transitions which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating or varying of light intensity.

(E) Limit on Number of Signs. Only one (1) electronic changeable copy sign, or sign containing a portion thereof, shall be permitted per lot. Such signs must be included in the total number of signs permitted, and shall not be in addition to that permitted total.

(F) Duration of Message. Any message, or portion thereof, displayed on such sign shall have a minimum duration of one (1) minute and must be a static display. The time of transition from one message or image to the next shall be no longer than one (1) second. No portion of the message may flash, scroll, twirl, change color, fade in or out, or in any manner imitate movement.

(G) Text of Message. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.

(H) Illumination of Electronic Changeable Copy Signs.

(1) The brightness of an electronic changeable copy sign shall not exceed an illumination of 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one half hour before sunset and one half hour after sunrise. Electronic changeable copy signs shall also be equipped with automatic monitors and dimmer features to adjust brightness levels based upon ambient light. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

(2) The lamp wattage and luminance level in nits (candelas per square meter) shall be provided at the time of permit application. Permit applications for electronic changeable copy signs shall also include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, and a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with all applicable Township regulations and that the owner or operator shall provide proof of such conformance upon request of the Township.

(Ordinance No. 366, January 12, 2009, Section 3)

Section 607. Area of Sign.

(A) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself.

(B) 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.

(C) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy.

(D) In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

(E) In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both sign faces are identical. If the interior angle formed by the two (2) faces of a double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

(Ordinance No. 335, March 26, 2007, Section 606 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 608. Supplemental Sign Regulations.

(A) Projection. No sign shall project more than twelve (12") inches from the building façade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

(B) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular zoning district in which they are located.

(C) Illumination. Signs may be lighted with nonglaring lights or may be illuminated by shielded floodlights, provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.

(D) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five (5') feet of any side lot line.

(E) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days notification, be removed by the Township at the expense of the owner or lessee of the property on which it is located.

(Ordinance No. 335, March 26, 2007, Section 607 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Section 609. Sign Permits.

(A) General

(1) All signs, with the exception of those specifically excluded under Section 608(B), shall require the issuance of a sign permit prior to erection or replacement.

(2) No permit will be required for each time the copy changes on a sign which involves frequent or periodic changes of copy.

(3) All signs must comply with all of the regulations contained herein, regardless of whether or not a permit is required.

(B) Signs Not Requiring Permits

(1) Official signs of any governmental unit and legal notices posted pursuant to law.

(2) Nameplate signs.

(3) Memorial or historic markers when approved by the Board of Supervisors or the Pennsylvania Museum and Historical Commission.

(4) Public services signs such as those advertising availability of restrooms, telephone, meeting times of service organizations or other similar public conveniences.

(5) No-trespassing signs or signs indicating the private nature of a road, driveway or premises and signs prohibiting or controlling hunting and fishing upon the premises.

(C) Freestanding Signs.

(1) If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

(2) A Certificate of Occupancy shall be required for freestanding signs only.

(D) Hazardous Signs.

(1) When in the discretion of the Zoning Officer the type of sign in question constitutes a potential danger to the community, a certificate of insurance shall be required. Such policy shall provide \$20,000 minimum benefits.

(2) No Sign Permit shall be granted unless the application conforms to the requirements of this Chapter.

(Ordinance No. 335, March 26, 2007, Section 608 of Section 2; as amended by Ordinance No. 366, January 12, 2009, Section 3)

Part 7

Off-Street Parking and Loading

Section 701. Required Number of Off-Street Parking Spaces.

(A) Requirement.

(1) Each use established, enlarged or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 7.1 and the regulations of this Part.

(2) Uses not specifically listed in Table 7.1 shall comply with the requirements for the most similar use listed in Table 7.1.

(3) Where a proposed use contains or includes more than one (1) type of use (regardless of whether each use is listed in Table 7.1 or is an unlisted use), or where a single use involves two or more activities that have separate and distinct parking demands, the number of parking spaces required shall be the sum of the parking requirements for each separate use or activity, except in such cases in which compelling evidence is provided to demonstrate the extent to which such parking demands will not be concurrent.

(4) Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter ($1/4$, 0.25) or more shall be counted as one (1).

Table 7.1

Off-Street Parking Requirements

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
AGRICULTURAL USES	
Agriculture	1 per employee
Animal Hospital/Veterinarian	1 per employee + 4 per doctor
Animal Husbandry	1 per employee

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Greenhouse/Nursery	1 per employee + 1 per 120 SF**
Kennel	1 per employee + 1 per 4 animals of capacity
Riding Stable	1 per employee + 1 per 4 animals of capacity
Seasonal Roadside Produce Stand	1 per employee + 1 per 120 SF**
RESIDENTIAL USES	
Dwelling, 3 bedrooms or less	2 per dwelling unit
Dwelling, 4 bedrooms or more	3 per dwelling unit
Group Home	1 per each employee on largest shift + 1 space per bedroom
Home Occupation	1 per 200 SF of floor area accessible to customers* + 1 per each nonresident employee, to a maximum of 3 spaces in addition to those required for the dwelling unit
Housing for the Elderly	1 per 2 dwelling units + 1 per each employee on largest shift
Rooming/Boarding House, Fraternity and Other Similar Places	1 per roomer/boarder + 1 per each rental unit + 1 for each employee
RECREATIONAL USES	
Bowling Alley	5 per lane
Community Center	12 spaces per 1,000 SF + 1 per employee
Health Club	1 per 60 SF** + 1 per employee on largest shift
Library	5 per 1,000 SF + 1 per employee

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Indoor Recreation, including Membership Club	1 per 45 SF of floor area accessible to customers* +1 per each employee on largest shift
Outdoor Recreation (Ballfields, Golf Course)	1 per 3 persons of design capacity + 1 per each Employee on largest shift
Swimming or Tennis Club	1 per 3 persons of maximum occupancy + 1 per each employee on largest shift
Stadium	1 per 3 seats + 1 per employee on largest shift
Theater or Auditorium	1 per 3 seats + 1 per employee on largest shift
INSTITUTIONAL AND EDUCATIONAL USES	
Ambulatory Surgical Center	1 per 600 SF**
College or University	1 per 2 students + 1 per employee on largest shift
Conference/Training Center	1 per 2 seats + 1 per employee
Cultural Center	1 per 500 SF** + 1 per employee (indoor facility) or 1 per 4,000 SF of lot area dedicated to use + 1 per employee (outdoor facility)
Hospital/Medical Center or Nursing Home	1 per bed + 1 per employee
Hospital Staff Dormitory	1 per resident + 1 per employee on largest shift
Medical or Dental Office/Clinic	4 per doctor + 1 per employee
Medical Laboratory	1 per 250 SF**
Nursery/Day Care Center	1 per employee + 1 per 12 children
Patient Hostel	1 per guest room + 1 per employee on largest shift
Places of Worship	1 per 3 seats + 1 per employee

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
School, Elementary/Jr. High	2 per admin. Employee + 1.2 per additional employee + 0.25 per gymnasium seat
School, High	1 per employee + 1 per every 3 students accommodated at one time
Utility Substation	1 per vehicle required to service such facility
RETAIL AND COMMERCIAL SERVICES USES	
Adult Bookstore	1 per 100 SF** + 1 per employee
Auto, Gas/Service/Repair	2 per service bay + 1 per employee
Auto, Recreational or Boat Sales	1 per 10 vehicles/RVs/boats on display + 1 per each employee
Fast Food Restaurant, Fast Food Restaurant with Drive Through, Food Stand	1 per 30 SF** + 1 per employee on largest shift
Financial Institution	1 per 250 SF** + 1 per employee
Food Stand	1 per 20 SF** + 1 per employee
Funeral Home	1 per 50 SF** + 1 per employee
Hotel/Motel	1 per guest unit + 1 per employee on largest shift. Parking for any associated restaurant, nightclub, conference/training, recreation or other use shall be calculated separately.
Laundromat	1 per 3 machines + 1 per each employee
Nightclub	1 per 30 SF** + 1 per employee on largest shift or 1 per 2 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Office, less than 400 SF	1 per 150 SF**

CATEGORY	NUMBER OF REQUIRED OFF-STREET PARKING SPACES***
Office, more than 400 SF	1 per 250 SF**
Off-Track Betting Parlor	1 per 40 SF** + 1 per employee on largest shift or 1 per 2 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Open Air Retail	1 per 1,500 SF of lot area dedicated to use
Personal Service Business	1 per 150 SF* + 1 per employee
Restaurant/Tavern	1 per 40 SF** + 1 per employee on largest shift or 1 per 3 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Retail/General Merchandise Store	1 per 200 SF** + 1 per employee
Shopping Center	5 per 1,000 SF** (See additional parking requirements under §321)

INDUSTRIAL, WHOLESALE AND WAREHOUSING USES

Industrial, Manufacturing or Warehousing Uses	1 per each employee on two largest successive shifts
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* Of all floor area occupied by equipment, furnishings or inventory accessible to customers or patrons, but not including corridors, toilet rooms and other such accessory rooms as may be provided.

** Gross floor area.

***In addition to the required off-street parking spaces, a day care or any interior service and convenience uses that involve a day-care shall have one (1) off-street stacking space for every ten (10) participants in the day-care, which shall be in accordance with the Drive-Through Off-Street Stacking Space Regulations of §707.

(Ordinance No. 335, March 26, 2007, Section 701 of Section 2; as amended by Ordinance No. 354, March 10, 2008, Section 4)

Section 702. General Regulations Applying to Required Off-Street Parking Facilities.

(A) General. Parking space layout and requirements shall be adequate for the intended use.

(B) Existing Parking. Structures and uses in existence at the effective date of this Part shall not be subject to the requirements of this Part provided that the kind of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Chapter.

(C) Changes in Use.

(1) The required number of parking spaces may be affected by changes or enlargements in floor area, number of dwellings, type of use, number of employees, seating capacity or other applicable criteria.

(2) The parking requirements for §701 shall be used to determine if additional parking is needed. If the requirement after the change would be greater than one hundred and ten percent (110%) of what is currently provided, then the use shall provide the additional parking prior to receiving an occupancy permit.

(D) Continuing Character of Obligation.

(1) All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.

(2) Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Part in conjunction with a change in the nature of the use.

(E) Conflict With Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

(F) Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, except where off-site parking is permitted as a conditional use.

(G) Joint Use. In the commercial areas, two (2) or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of spaces required for each use individually and provided such parking lot is within three hundred (300) feet walking distance of all of the principal uses served by such lot.

(H) Parking of Commercial Vehicles. No more than one (1) commercial motor vehicle with more than six (6) wheels may park on a residential lot within the RS, MDS, LDS, SS and U Districts.

(I) Recreational Vehicles. Overnight parking of recreational vehicle, motor homes or campers shall be permitted on non-residential parking lots only within a campground or a recreational vehicle sales area.

(J) Unlicensed Vehicles. Vehicles without current license plates or valid inspections, including boats and trailers, shall not be parked or stored along any public or private street or alley, or upon any residentially zoned property outside the rear yard area or garage. The number of such vehicles parked within the rear yard area shall be as provided for in the provisions of the Township's Property Maintenance Code. The duration for which such vehicles shall be permitted within the rear yard shall not exceed ninety (90) days.

(K) Vehicle Repair. Except for emergency repairs, no repair to or maintenance of vehicles shall be permitted in any parking lot or street.

(L) Temporary Seating. Where parking requirements are determined by the number of seats and temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.

(M) Off-Site Parking. Where off-street parking is permitted by conditional use approval to be located on a separate lot from the permitted principal use, the number of required off-street parking spaces may be met by off-site or remote parking spaces. Off-site parking facilities shall comply with the following provisions.

(1) Off-site or remote parking facilities shall be located within two hundred (200) feet of the parcel containing the principal use.

(2) Walking paths between the off-site or remote parking facilities and the principal use shall not cross streets.

(3) The applicant shall demonstrate a copy of a written contract or agreement with the owner of the property upon which the off-site parking facility is located, granting the applicant use of said property. Conditional use approval of off-site or remote parking shall expire upon the expiration of such contract or agreement.

(4) Such off-site parking facilities shall comply with all other applicable provisions of this Section.

(N) All off-street parking facilities shall comply with the applicable ADA standards.

(Ordinance No. 335, March 26, 2007, Section; 702 of Section 2)

Section 703. Design Standards for Off-Street Parking Facilities.

(A) General Requirements.

(1) Every parking facility shall be designed so that its use does not constitute a nuisance, hazard or unreasonable impediment to traffic.

(2) Every parking area shall be arranged for orderly, safe movement.

(3) No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except those of a single-family or two-family dwelling.

(4) Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single-family or two-family dwelling.

(5) No parking area shall be located in a required buffer yard.

(6) No parking area shall be located within ten (10) feet of a septic system absorption area.

(7) All common parking areas and access drives shall be surfaced with asphalt or other appropriate material approved by the Township, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas for parking shall not exceed six percent (6%).

Surface water shall not be concentrated onto streets, sidewalks or other lots.

(8) All dead-end parking areas shall be designed to provide sufficient backup area for the end stalls of the parking area.

(9) Parking areas and interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

(B) Parking Spaces.

(1) Each parking space shall have a stall width of at least ten (10) feet.

(2) Each parking space shall have a stall depth of:

(a) At least twenty (20) feet for all angle parking.

(b) At least twenty-two (22) feet for parallel parking.

(3) All spaces shall be marked in parking areas so as to indicate their location, except those of a single-family or two-family dwelling.

(C) Aisles.

(1) Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

(2) Each aisle providing access to stalls for two-way traffic shall be at least twenty-four (24) feet in width.

(3) No aisle shall exceed two hundred (200) feet in length.

(D) Grading, Surface Drainage. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways and access drives, shall be graded, surfaced with asphalt or other appropriate material approved by the Township, and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.

(E) Nighttime Illumination.

(1) Any parking area designed for use by six (6) or more cars after dusk shall be adequately illuminated.

(2) All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

(3) Parking lots serving residential uses shall, as a minimum, be illuminated over their entire surface to one-half (0.5) average maintained footcandles (5.4 avg. maintained lux).

(4) Parking lots serving commercial and industrial uses shall, as a minimum, be illuminated over their entire surface to one (1.0) average maintained footcandles (10.8 avg. maintained lux).

(Ordinance No. 335, March 26, 2007, Section 703 of Section 2)

Section 704. Access Drives and Driveways.

(A) General Requirements.

(1) Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry. No driveway or access drive shall be constructed in such a way as to create a drainage problem to an adjacent property or public street.

(2) Where access is to a State road, a State Highway Occupancy Permit shall be obtained.

(3) Where access drives and driveways are proposed as part of subdivision or land development, the provisions of the Township's

Subdivision and Land Development Ordinance (Chapter XXVII) shall also be met.

(4) Access drives and driveways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

(5) Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways, without undue congestion to or interference with normal traffic flow within the Township.

(6) All streets and accessways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance (Chapter XXVII). Provision shall be made for adequate signalization, turn, standby and deceleration lanes and similar facilities where deemed necessary by the Township Engineer, after receiving any input or requirements of the Pennsylvania Department of Transportation.

(B) Design Standards.

(1) Each access drive shall have a minimum width of twelve (12) feet and maximum width of fifteen (15) feet at the street line for one-way use only and a minimum width of twenty-four (24) feet and maximum width of thirty-five (35) feet at the street line for two-way use.

(2) Grades of access drives shall not exceed ten percent (10%) and grades of driveways shall not exceed twelve percent (12%); however, in both cases the initial twenty (20) feet from the edge of the cartway shall not exceed five percent (5%).

(3) Uses Fronting on an Arterial or Collector Street. The following requirements apply to any use fronting on an arterial or collector street:

(a) Each use that has one hundred (100) feet of frontage shall have a maximum of one (1) access drive or driveway onto each such street. Each use that has one hundred (100) feet or more of frontage shall be permitted to have a second access drive or driveway onto each such street, provided that all appropriate separation distances and sightlines otherwise required in this Chapter are met. In addition to the above, one additional access drive or driveway unto each such street is permitted for each one

hundred fifty (150) feet of frontage beyond the original one hundred (100) feet. Where practicable, access to parking areas shall be provided by a common service drive in order to avoid direct access to an arterial or collector street.

(b) A minimum separation distance of one hundred fifty (150) feet along street frontage is required between any newly created private entrance or exit driveway or access drive serving a commercial or industrial use and any existing public street that intersects the fronting street. The separation distance shall be measured from the centerline of the driveway or access drive and closest right-of-way line of the street.

(c) Large Developments. In the case of any development intended to involve more than five (5) commercial or industrial buildings or lots, or more than ten (10) acres of commercial, industrial, garden apartment or townhouse uses, each point of vehicular access to and from a public street shall be located at least two hundred (200) feet from the intersection of any public street right-of-way lines, provided that such point of vehicular access which converts a "T" intersection into an intersection of two (2) streets which cross one another shall be permitted. The separation distance shall be measured from the centerline of the vehicular access and the closest right-of-way line of the street.

(4) At least fifty (50) feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.

(5) No access drive or driveway shall be less than thirty (30) feet from any street intersection. The separation distance shall be measured from the centerline of the driveway or access drive and closest right of way line of the street

(6) No driveways or access drives shall be within two (2) feet of any property line unless such driveway or access drive is shared by an adjacent house.

(7) Unless otherwise specified in this Chapter, no driveway shall be constructed so that there is more than one (1) entrance to a street unless entrances are separated by a distance of two hundred (200) feet.

(8) No driveway or access drive shall be constructed or maintained which does not meet the following regulations:

(a) Entrance to the street shall be at an angle of seventy-five (75) degrees to one hundred and five (105) degrees with the intersecting street.

(b) The driveway or access drive between the right-of-way of the street and the cartway shall be paved.

(c) All curb cuts shall be properly constructed to Township standards when curbing is provided; if curbing is not provided, then adequate drainage provisions shall be provided as determined by the Township Engineer.

(9) All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling, shall be adequately illuminated during night hours of use at no cost to the Township, in accordance with the provisions of Section 703(E).

(Ordinance No. 335, March 26, 2007, Section 704 of Section 2)

Section 705. Off-Street Loading.

(A) General Requirements. Each use shall provide paved off-street loading facilities sufficient to accommodate the maximum demand generated by the use, which comply with the regulations contained in §705.

(B) The number and size of off-street loading spaces shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. Off-street loading spaces shall comply with the following provisions:

(1) Loading docks shall be provided for all uses that require the loading of any truck requiring a CDL or that contain in excess of twenty thousand (20,000) square feet of gross floor area in an area under single lease or ownership.

(2) No repair work or servicing of vehicles, except for emergency repairs, shall be conducted in a loading area.

(3) The number of required off-street loading spaces shall be determined as follows:

<u>CATEGORY</u>	<u>NUMBER OF REQUIRED OFF-STREET LOADING SPACES</u>
Commercial	1 per 10,000 square feet of gross floor area.
Industrial	1 per 20,000 square feet of gross floor area.

(4) Deviations from the above-required number of off-street loading spaces may be permitted by the Zoning Officer if, when a zoning approval or building permit is applied for, the application shall show all provisions for off-street loading and include supporting data (number, frequency and size of vehicles which will use the loading facilities), which justify the number and size of the spaces provided. Number and size of spaces provided shall be approved by the Zoning Officer unless otherwise indicated in this Section.

(C) Design and Layout of Off-Street Loading Facilities. Off-street loading facilities shall be designed to conform to the following specifications:

(1) The requirements of this Section shall apply to all new industrial, commercial, office and mixed-use developments and to all expansions of such existing uses resulting in an increase in gross floor area of twenty percent (20%) or more from the effective date of this Part.

(2) Each off-street loading and unloading space shall be at least fourteen (14) feet in width by seventy-five (75) feet in depth and shall have a clear height of no less than fourteen (14) feet.

(3) Off-street loading areas shall be completely contained upon the site of the building served and shall neither occupy nor infringe upon any parking spaces, traffic lanes within a parking area, driveways, access drives or street rights-of-way.

(4) A planting screen in accordance with the requirements of §405(I) shall be provided between loading areas and any existing residential use.

(5) Each space shall have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

(6) Each space shall be located entirely on the lot being served and be so located that each space and all maneuvering room is outside of required buffer areas, yard areas and right-of-ways.

(7) An appropriate means of access to a street or alley shall be provided that the maximum width of driveways (measured at the street lot line) shall be thirty-five (35) feet and that the minimum width shall be twenty-four (24) feet.

(8) All off-street loading and unloading spaces, maneuvering areas, driveways and entranceways shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Township Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways and to protect adjoining property.

(9) No such facilities shall be designed or used in any manner so as to constitute a nuisance, a hazard or an unreasonable impediment to traffic.

(10) Any loading docks or truck maneuvering areas shall be placed in such locations that are the maximum distance possible from any adjacent residential district and from existing residences. Buildings and loading docks shall be located and oriented, to the greatest extent practicable, so that the loading docks shall be located along walls that do not face adjoining residences or residential districts. It shall be the applicant's responsibility to demonstrate compliance with these requirements.

(11) All such facilities shall comply with the lighting requirements of §703(E) and the landscaping requirements of §706.

(Ordinance No. 335, March 26, 2007, Section 705 of Section 2)

Section 706. Parking Lot Landscaping.

(A) All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be covered with an all-season groundcover and be well maintained.

(B) Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences and two-family residences shall be physically separated from any public street by a raised curb

or landscaped berm and an area not less than ten (10) feet in depth (measured from the right-of-way line) which shall be covered with an all-season groundcover and maintained.

(C) Any lot that would include more than thirty (30) parking spaces shall be required to provide landscaped areas within the paved area. This required landscaped area shall be equal to a minimum of ten percent (10%) of the total paved area. Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes and discouraging cross-lot taxiing, to act as a barrier against wind-borne debris and dust, to provide shade moderating microclimatic conditions, to reduce the volume and velocity of stormwater runoff and to enhance the appearance of the parking areas.

(D) One (1) deciduous tree of a minimum caliper of one and one-half (1 1/2) inches shall be required for every eighteen (18) required off-street parking spaces. The trees shall be of species acceptable to the Planning Commission.

(E) A substantial proportion of the trees required by this Section should be planted within the parking lot within protected islands. Required trees are also encouraged to be planted in highly visible locations, especially between parking areas and major streets.

(F) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.

(G) Each individual plot of landscaping within a parking lot shall occupy an area of not less than one hundred eighty (180) square feet and shall have no side dimension of less than five (5) feet.

(H) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing or other approved barriers.

(Ordinance No. 335, March 26, 2007, Section 706 of Section 2)

Section 707. Drive-Through Off-Street Stacking Space Regulations.

(A) General Provisions. The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-through service unit. Any use having a drive-through service unit shall provide the required off-street stacking area on-site and shall locate the drive-through facilities in such a way as to ensure that on-site and off-site traffic conflicts, hazards and congestion are avoided. Each drive-through service unit shall provide the stacking spaces as follows:

(1) Each stacking space shall be not less than eight and one-half (8-1/2) feet in width and seventeen and one-half (17-1/2) feet in length, with additional spaces for necessary turning and maneuvering.

(2) The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, access drive or aisle, unless otherwise permitted.

(3) A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.

(4) Any area reserved for stacking spaces shall not double as a circulation drive or maneuvering area.

(5) Sites with stacking spaces shall include an exclusive bypass aisle, drive or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.

(6) Any component of a drive-through service unit may project up to one (1) foot into the stacking area.

(7) Drive-through service units may contain more than one (1) component part. Service units may contain such components as menu board(s), pay windows, and food-service pickup windows. To determine the number of off-street stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the off-street stacking spaces. In the case of car washes, the final component of a service unit is the entrance to the car wash building itself.

(8) Where a single drive-through lane serves more than one (1) drive-through service unit, the minimum number of stacking spaces provided shall equal the combined total required for each service unit.

(B) Required stacking spaces.

(1) Car wash:

(a) Self-service or hand wash: Three (3) spaces before the final component of each service unit; two (2) spaces at the exit of each unit.

(b) Semi- or fully automatic: Ten (10) spaces before the final component of each service unit; two (2) spaces at the exit of each unit.

(2) Drive-In (Outdoor) Theater. Before the ticket service window or area, stacking space shall be equal to twenty (20) percent of the total off-street parking capacity of the theater. The in-bound reservoir area shall not connect or conflict in any way with the exit drives.

(3) Restaurants or Financial Institutions (including ATMs).

(a) One (1) drive-through service unit. Six (6) spaces before the final component of the service unit; two (2) spaces at the exit of the unit.

(b) For each additional drive-through service unit. Four (4) spaces before the final component of each additional service unit; one (1) space at the exit of each unit.

(c) The number of stacking spaces required above shall be considered minimums. The Township may require additional stacking spaces when they are deemed necessary to comply with the general provisions of this section.

(d) Where an applicant can provide compelling evidence that fewer than the required number of stacking spaces would adequately serve a drive-through establishment, the number of required stacking spaces may by Special Exception be reduced by the Zoning Hearing Board.

(4) All other facilities utilizing a drive-through service unit, including, but not limited to, laundry and dry cleaning stations, photo drop-off/pick-up stations, automobile oil change or lubrication facilities: Three (3) spaces before the final component of the service unit; one (1) space at the exit of each service unit.

(Ordinance No. 335, March 26, 2007, Section 707 of Section 2)

Part 8

Administration

Section 801. General Procedure.

(A) Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Township Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee.

(B) The Zoning Officer shall either issue the zoning permit or shall deny the permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission.

(C) If denied a permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.

(D) After the zoning permit has been received by the applicant, he may undertake the action permitted by the zoning permit, so long as no other permits are required, including, but not limited to, state and local building permits and approvals.

(E) Upon completion of such action, the applicant may apply to the Township Zoning Officer for an occupancy permit (where such a permit is required).

(F) If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit and any other required permits, he shall issue an occupancy permit allowing the premises to be occupied.

(Ordinance No. 335, March 26, 2007, Section 801 of Section 2)

Section 802. Permits and Certificates.

(A) Zoning Permit.

(1) Scope.

(a) No person shall erect, alter, convert, move or add to any building, structure or sign, nor alter the use of any land or

structure, until the Zoning Officer issues a zoning permit to the person for said change or construction.

(b) No zoning permit is required for normal maintenance and repairs.

(2) Types of Uses.

(a) Permitted Uses. A zoning permit for a permitted use may be issued by the Zoning Officer.

(b) Special Exception, Variance. A zoning permit for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing. An application for a special exception, variance or for interpretation of any part or provision of this Chapter shall be made to the Zoning Hearing Board on forms which may be obtained from the Township Secretary.

(c) Conditional Use. A zoning permit for a conditional use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors. An application for a conditional use shall be made to the Board of Supervisors on forms which may be obtained from the Township Secretary.

(3) Application.

(a) All applications shall be made in writing and shall be accompanied by two (2) sets of plans. Such plans shall be prepared by a licensed surveyor or engineer at the discretion of the Zoning Officer. The plan shall depict at least the following information if applicable:

1) Actual dimensions and shape of the lot to be built upon prepared by a licensed surveyor or engineer.

2) The exact size and location on the lot of buildings, structures, all rights-of-way and easements, public or private, signs and existing and/or proposed extensions thereto prepared by a licensed surveyor or engineer.

3) The number of dwelling units if applicable.

4) Vehicular access, parking spaces and loading facilities.

5) Statement indicating the existing or proposed use.

6) Height of structure, building or sign.

7) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

8) A detailed scaled drawing of the signs showing intended location and stating how it shall be affixed.

9) A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used.

(b) One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

(c) One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

(4) Issuance.

(a) The Zoning Officer shall issue or refuse an application for a zoning permit within thirty (30) days after the date such application was made, except as specifically provided for in this Chapter.

(b) A zoning permit shall be issued in at least triplicate.

(c) One (1) copy shall be kept conspicuously on the premises. No person shall perform building operations of any kind unless a zoning permit is being displayed as required by this Chapter.

(d) In case of denial, the applicant shall be informed of his rights of appeal. Any appeal must be filed with the Zoning Hearing Board within thirty (30) days of the date of denial of the permit.

(5) Expiration of Zoning Permit. Zoning permit shall expire within six (6) months from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the six (6) month period, said permit shall expire after one (1) year from date of issuance thereof.

(B) Occupancy Permit.

(1) Scope. Prior to the use, occupancy of any land or building or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer.

(2) Application. The application for certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe accompanied by an "as built survey" prepared by a licensed surveyor or engineer.

(3) Issuance.

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

(b) Certificate of use and occupancy shall be granted or refused in writing within ten (10) days from the date of application.

(c) In zones in which performance standards are imposed, no certificate of occupancy shall become permanent until thirty (30) days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards. After said reinspection the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the certificate of use and occupancy is permanent or that the facility does not comply and that the certificate of use and occupancy is still temporary.

(C) Other Permits. The Township may require additional permits specified in other related ordinances and laws.

(D) Certificate of Nonconforming Use or Structure.

(1) The owner of the premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use or structure from the Zoning Officer.

(2) Such certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

(Ordinance No. 335, March 26, 2007, Section 802 of Section 2)

Section 803. Zoning Officer.

(A) Appointment.

(1) The Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office.

(2) The Zoning Officer or staff shall continue to serve the Township until such time as the Board of Supervisors declares otherwise.

(B) Duties and Powers

(1) The Zoning Officer shall:

(a) Administer this Chapter in accordance with its literal terms.

(b) Identify and register nonconforming uses and nonconforming structures.

(c) Receive and examine all applications required under the terms of this Chapter.

(d) Issue or refuse permits within sixty (60) days of the receipt of the application, except as specifically provided for in this Chapter.

- (e) Receive complaints of violation of this Chapter.
- (f) Issue a written notice of violation to any person violating any provision of this Chapter.
- (g) Keep records of applications, permits and certificates issued, of variances and special exceptions granted by the Zoning Hearing Board, of conditional uses granted by the Board of Supervisors, of complaints received, of inspections made, of reports rendered and of notice or orders issued.
- (h) Make all required inspections and perform all other duties as called for in this Chapter.
- (i) Be responsible for keeping this Chapter and the Zoning Map up to date so as to include all amendments thereto.
- (j) Issue certificates of use and occupancy in accordance with the terms of this Chapter.
- (k) Perform such other duties and functions as authorized by the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, et seq., as amended, and/or by the Board of Supervisors.

(2) The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this Chapter.

(Ordinance No. 335, March 26, 2007, Section 803 of Section 2)

Section 804. Zoning Hearing Board.

(A) Appointment.

(1) The Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors.

(2) Board members shall serve terms of three (3) years, so fixed that the term of office of one (1) member shall expire each year.

(3) Members of the Board shall hold no other elective or appointed office in the Township.

(4) The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for the Zoning Hearing Board members, including specifically the right to cast a vote as a voting Zoning Hearing Board member during the proceedings, and shall have all the powers and duties set forth in the Municipalities Planning Code and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as a zoning officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to this Part unless designated as a voting alternate Zoning Hearing Board member pursuant to this Section.

(B) Vacancies.

(1) The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur.

(2) Appointments to fill vacancies shall be only for the unexpired portion of a term.

(C) Removal. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the Zoning Hearing Board member, taken after the Zoning Hearing Board member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(D) Organization.

(1) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the Zoning Hearing Board members, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in this Section.

(2) The chairman of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final decision on the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates.

(3) The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with this Chapter, and all applicable Township ordinances and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

(E) Expenditures for Services. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to

this Section, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(F) Hearings and Meetings. Hearings and meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board, by majority vote, may determine. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with this Part.

(G) Jurisdiction.

(1) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(a) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors.

(b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by appeal taken within thirty (30) days after the effective date of said ordinance.

(c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(d) Appeals from a determination by the Township Engineer or the Zoning Officer which reference to the administration of the floodplain ordinance or such provisions within a land use ordinance.

(e) Applications for variances from the terms of this Chapter and the floodplain ordinance or such provisions within a land use ordinance.

(f) Applications for special exceptions under this Chapter or such provisions within a land use ordinance.

(g) Appeals from the determination of any officer or agency charged with the administration of any transfers or

development rights or performance density provisions of this Chapter.

(h) Appeals from the Zoning Officer's determination.

(i) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management.

(2) The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(a) All applications for approvals of planned residential developments.

(b) All applications for approval of subdivisions or land developments.

(c) Applications for conditional use under the express provisions of this Chapter.

(d) Applications for curative amendment to this Chapter.

(e) All petitions for amendments to land use ordinances. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

(H) Applications to the Board.

(1) All appeals from a decision of the Zoning Officer and applications to the Zoning Hearing Board shall be submitted in writing on forms prescribed by the Zoning Hearing Board. Four copies shall be required.

(2) Every appeal or application shall include the following:

(a) The name and address of the applicant, or appellant.

(b) The name and address of the owner of the property to be affected by such proposed change or appeal. A copy of the Deed

of Record or other instrument under which applicant claims standing shall be attached to the application.

(c) A brief description and location of the property to be affected by such proposed change or appeal.

(d) A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.

(e) A statement of the Section of this Chapter under which the appeal is made and reasons why it should be granted, or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.

(f) A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size, material and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description.

(I) Time Limitations.

(1) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to this Chapter or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

(2) All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

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

(Ordinance No. 335, March 26, 2007, Section 804 of Section 2; As amended by Ordinance No. 392, Section 10, June 11, 2012)

Section 805. Zoning Hearing Board Functions.

(A) Variances.

(1) Four (4) copies of an application for a variance shall be submitted to the Zoning Hearing Board. Such application shall include all information specified for a zoning permit application and any other information the Zoning Hearing Board deems necessary to make determination. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(2) The administrative procedures for a variance hearing shall be consistent with the requirements specified by Section 807 of this Part.

(3) The Township Planning Commission and Board of Supervisors shall receive a copy of the application and shall have thirty (30) days to review and make comments and a recommendation at their discretion.

(4) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule

prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) That such unnecessary hardship has not been created by the 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, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(5) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

(B) Special Exceptions.

(1) Four (4) copies of an application for a special exception shall be submitted to the Zoning Hearing Board. Such application shall include all information specified for a zoning permit application and any other

information the Zoning Hearing Board deems necessary to make determination. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(2) The administrative procedures for a special exception hearing shall be consistent with the requirements specified by Section 807 of this Part.

(3) The Township Planning Commission and Board of Supervisors shall receive a copy of the application and shall have thirty (30) days to review and make comments and a recommendation at their discretion.

(4) Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

(Ordinance No. 335, March 26, 2007, Section 805 of Section 2)

Section 806. Conditional Uses.

(A) Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township Board of Supervisors. Such application shall include all information specified for a zoning permit application and any other information necessary to allow the Township Board of Supervisors to determine that all requirements of this Chapter have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(B) The administration procedures for a conditional use hearing shall be consistent with the requirements specified by Section 807 of this Part.

(C) The Township Planning Commission shall receive a copy of the application and shall have thirty (30) days to review and make comments and a recommendation at their discretion.

(D) Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable Zoning District requirements and general regulations established by this Chapter. In addition, the following standards shall be met:

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

(2) The use conforms with the goals, objectives and policies of the Township Comprehensive Plan.

(3) The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.

(4) The use conforms with all pertinent State and Federal laws, regulations and requirements.

(5) Services and utilities shall be made available to adequately service the proposed use.

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

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

(8) 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.

(E) 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 (see Chapter XXVII of the Township Code of Ordinances).

(F) The approval of a conditional use, if authorized by the Board of Supervisors, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the

event that the activity anticipated by the conditional use should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the conditional use be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(G) The Board of Supervisors shall hold hearings on and decide requests for conditional uses in accordance with the standards and criteria set forth in this Chapter. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or finding of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this act in this Chapter.

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

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

(J) Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent

jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

(Ordinance No. 335, March 26, 2007, Section 806 of Section 2)

Section 807. Hearings. The boards shall conduct hearings and make decisions in accordance with the following:

(A) Public notice shall be given and written notice shall be given to the applicant, the zoning officer, adjacent property owners, the Township Planning Commission and to any person who has made timely request for the same. Written notices shall be given by regular mail at least one week prior to the hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(B) The Board of Supervisors may prescribe reasonable fees with respect to hearings before the boards, by Resolution, from time-to-time. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(C) The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of receipt of applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to

complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

(D) The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where not decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.

(E) The parties to the hearing shall be the Township, any persons affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.

(F) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(G) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence an argument and cross-examine adverse witnesses on all relevant issues.

(H) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(I) The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for the stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

(J) The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other

materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

(K) The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(L) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ordinance No. 335, March 26, 2007, Section 807 of Section 2)

Section 808. Challenge to the Validity of Ordinance or Map.

(A) A landowner who, on substantive grounds, desires to challenge the validity of this Chapter or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

(1) to the Zoning Hearing Board; or

(2) to the Board of Supervisors, together with a request for a curative amendment.

(B) Persons aggrieved by a use or development permitted on the land of another by this Chapter or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon.

(C) The submissions referred to above shall be governed by the following:

(1) In challenges before the Zoning Hearing Board, the challenging part shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of this Chapter, or map, or provisions thereof, and elects to proceed by curative amendment, his application to the Board of Supervisors shall contain, in addition to the requirement of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by this Chapter or map, or provisions thereof. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating this Chapter or map, or provisions thereof, in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

(2) If the submission is made by the landowner to the Board of Supervisors as stated above, the request also shall be accompanied by an amendment or amendment to the Chapter, map, or provision thereof, proposed by the landowner to cure the alleged defects therein.

(3) If the submission is made to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings.

(4) The Board of Supervisors may retain an independent attorney to present the defense of the challenged Chapter, map, or provisions thereof, on its behalf and to present their witnesses on its behalf.

(5) Based upon the testimony presents at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged Chapter, map, or provisions thereof, are defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed with a Landowner Curative Amendment. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Chapter, map, or provisions thereof, which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

(a) the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(b) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter, map or provisions thereof;

(c) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(d) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(6) the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

(7) If the Board of Supervisors or Zoning Hearing Board, as the case may be, fails to act of the landowner's request within the time limits referred to above, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

(D) The Zoning Hearing Board or Board of supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

(E) Public notice of the hearing shall include notice that the validity of this Chapter, map or provisions thereof, is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

(F) The challenge shall be deemed denied when:

(1) the Zoning Hearing Board or the Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth herein;

(2) the Board of Supervisors notifies the landowner that it will not adopt the curative amendment;

(3) the Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or

(4) the Zoning Hearing Board or the Board of Supervisors, as the case may be, fails to act of the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.

(G) Where, upon enactment of this Chapter, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on an appeal from denial of a curative amendment

proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval. Within the two (2) year period, no subsequent change or amendment in this Chapter, map, Chapter XXVII of the Code of Ordinances (Subdivision and Land Development) or other ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 of the Municipalities Planning Code shall apply. When the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under Chapter XXVII of the Code of Ordinances (Subdivision and Land Development), the developer shall have one year within which to file for a building permit. Within the one (1) year period, no subsequent change or amendment in this Chapter, map or Chapter XXVII of the Code of Ordinances (Subdivision and Land Development), or any other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

(H) If the Township has adopted a multimunicipal comprehensive plan but not a joint municipal zoning ordinance and all the municipalities in the multimunicipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of this Chapter involving a proposed use, then the Zoning Hearing Board or Board of Supervisors, as the case may be, shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of this Chapter.

(I) A landowner who has challenged on substantive grounds the validity of this Chapter or map, wither by submission of a curative amendment to the Board of Supervisors or the Zoning Hearing Board, shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn. Provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different Chapter, or portion thereof, or map, the landowner may file a second substantive challenge to the new or different Chapter, or portion thereof, or map, under this Section.

(Ordinance No. 335, March 26, 2007, Section 808 of Section 2)

Section 809. Procedure to Obtain Preliminary Opinions. In order not to unreasonably delay the time when a landowner may secure assurance that this Chapter, or portion thereof, or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to this Chapter, or portion thereof, or map will run by the following procedure:

(A) The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with this Chapter, or portion thereof, and map. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

(B) If the Zoning Officer's preliminary opinion is that the use or development complies with this Chapter, or portion thereof, or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval and the time specified for commencing a proceeding with the board shall run from the time when the second notice thereof has been published.

(Ordinance No. 335, March 26, 2007, Section 809 of Section 2)

Section 810. Amendments.

(A) The Township may, on its own motion or by petition, amend, supplement, change, modify or repeal this Chapter.

(B) Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

(C) In addition to the requirement that notice be posted under this Section, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addressees 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. This Subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

(D) In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations.

(E) The Township shall submit each amendment to the County Planning Commission at least thirty (30) days prior to the public hearing on the amendment by the Township.

(F) Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County Planning Commission.

(Ordinance No. 335, March 26, 2007, Section 810 of Section 2)

Section 811. Curative Amendments.

(A) Landowner Curative Amendment.

(1) A landowner who desires to challenge on substantive grounds the validity of any provision of this Chapter, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 804 of this Part. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission and public notice shall be given.

(2) The hearing shall be conducted in accordance with Section 807 of this Part. If the Township does not accept the landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Chapter and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

(3) The Board of Supervisors, when it has determined that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or map;

(c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(d) The impact of the proposed use of the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(B) Municipal Curative Amendments. If the Township determines that this Chapter or any portion thereof is substantially invalid, it shall take the following actions:

(1) That Township shall declare by formal action, this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:

(a) By resolution make specific findings setting for the declared invalidity which may include:

1) references to specific uses which are either not permitted or not permitted in sufficient quantity;

2) reference to a class of use or uses which require revision; or

3) reference to the entire Chapter which requires revisions.

(b) Begin to prepare and consider a curative amendment to the Chapter to correct the declared invalidity.

(2) Within one hundred eight (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of this Chapter in order to cure the declared invalidity of the Chapter.

(3) Upon the initiation of these procedures, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed nor shall the Zoning Hearing Board be required to give a report requested subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution. Upon completion of these procedures, no rights to a cure pursuant to the landowner curative amendments shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Chapter for which there has been a curative amendment pursuant to this Subsection.

(4) Once the Township has utilized the procedures set forth in this Subsection, the Township may not again utilize this procedure for a thirty-six (36) month period following the date of the enactment of the curative amendment or reaffirmation of the validity of this Chapter, provided, however, if after the date of the declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in a statute or by virtue of a Pennsylvania Appellate

Court decision, the Township may utilize the provisions of this Subsection to prepare a curative amendment to this Chapter to fulfill the said duty or obligation.

(Ordinance No. 335, March 26, 2007, Section 811 of Section 2)

Section 812. Filing Fees and Costs.

(A) The Board of Supervisors shall establish schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, conditional uses and appeals and other matters pertaining to this Chapter.

(B) The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors from time-to-time.

(C) Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ordinance No. 335, March 26, 2007, Section 812 of Section 2)

Section 813. Remedies and Penalties.

(A) Enforcement Remedies. In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Chapter, the Board of Supervisors, or, with its approval the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises. The rights and remedies provided in this Chapter are cumulative and are in addition to all other remedies provided by law.

(B) Enforcement Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding by the Township, pay a judgment of not more than Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

(Ordinance No. 335, March 26, 2007, Section 813 of Section 2)

Section 814. Savings Clause. The provisions of this Chapter shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Chapter. It is hereby declared as a legislative intent that this Chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein. (Ordinance No. 335, March 26, 2007, Section 814 of Section 2)

Part 9

Appendices

Section 901. Open Space Developments (Appendix A). (Ordinance No. 335, March 26, 2007, Appendix A of Section 2)

Section A.101. Purpose. The intent of this section is to encourage a residential development type that will:

(A) Preserve open space and agricultural land by locating new residential units in close proximity to one another on a smaller portion of a parcel than would be the case with conventional development;

(B) Preserve scenic vistas from public roads by concentrating development on the least visually prominent portions of the parcels;

(C) Reduce disturbance of environmentally constrained areas, such as steep slopes, floodplains, and wetlands;

(D) Require less impervious surface than necessary with conventional development by concentrating development in smaller areas, thus necessitating smaller road areas;

(E) Reduce environmental impacts associated with disturbance of constrained areas and impervious coverage, such as erosion and sedimentation, pollutants in surface water, and decreased ground water recharge.

Section A.102. Qualifying Conditions.

(A) To be eligible for development under the open space development regulations, a site must, at a minimum:

(1) Be located within the RHA, RC, RS or PHT District.

(2) Be at least 10 acres in area within the RC, RS or PHT District, or at least 20 acres in area within the RHA District.

(3) Consist of either:

(a) A single parcel of land, or

(b) Multiple contiguous, undivided parcels. In the case of multiple contiguous, undivided parcels, all applicable parcels shall be developed according to a single plan and with common authority and common responsibility. The Township may require evidence of an agreement between all owners of included parcels demonstrating binding commitment to common development of the parcels.

(4) Be served by a centralized sewage disposal system and a centralized water supply system.

(B) It shall be the complete responsibility of the applicant to prove to the satisfaction of the Township that a proposed development would meet the requirements and purposes of this Section (Appendix).

Section A.103. Permitted Uses. The following uses are permitted within an open space development:

- (A) Single-Family Detached Dwellings
- (B) Accessory uses as would be permitted within the LDS or MDS Districts.

Section A.104. Lot Size Requirements.

(A) Lots for Single-family detached dwelling within an Open Space Development must comply with the following minimum lot areas:

<u>District</u>	<u>Lot Area</u>
RHA	20,000 sq. ft.
RC	10,000 sq. ft.
RS	7,500 sq. ft.
PHT	10,000 sq. ft.

(B) Within any open space development that is developed as condominium units, the total number of units permitted shall not exceed the amount that would be permitted if individual lots were proposed.

Section A.105. Slope Controls.

(A) In addition to the minimum lot areas specified above, residential lots within the Development Area of an Open Space Development shall also comply with the provisions of Section 503 Slope Controls, with the following exceptions:

(1) The factor utilized in the calculation required under §503(C)(1)(a) shall be the minimum lot area required in §A.104(A).

(2) The factor utilized in the calculation required under §503(C)(1)(b) shall be 1.5 acres.

(3) The factor utilized in the calculation required under §503(C)(1)(c) shall be 2.5 acres.

Section A.106. Net Density and Area Regulations.

(A) Common Open Space. The amount of common open space provided in an Open Space Development shall be not less than 50% of the total tract area within the RC, RS or PHT District, or not less than 75% of the total tract area within the RHA District.

(B) Development Area

(1) The area(s) of the tract not designated as part of the Common Open Space area shall be designated on the plan as Development Area(s). Development Areas are all areas not designated as common open space and include (but are not limited to) building areas, yards, driveways, and roads.

(2) Within a Development Area, single-family detached dwellings may be arranged so as to provide for individual lots for each unit, or may be arranged as condominiums. In either case, sufficient yard areas shall be set aside and designated on the plan, so that throughout the development the maximum net residential density shall not exceed four (4) units per acre in any development area.

(3) Within any development area that is developed as condominium units, rather than individual lots, the remaining area within development area (that area not containing structures, roads, driveways, etc.) shall be designated Local Open Space. Local Open Space shall remain separate from Common Open Space and its use shall be primarily for the residents of the development area in which it is located. Uses within Local Open Space areas shall be limited to yard area, landscape areas, walkways, and accessory structures allowed within that zoning district.

Section A.107. Design Standards. The following design standards shall apply to all Open Space Developments:

(A) Site Design Principles. The location of common open space, dwellings, and site improvements shall be in accordance with all requirements of the Township of Spring Subdivision and Land Development Ordinance (Chapter XXVII) that are not specifically waived by this Section (Appendix). The following standards shall apply during the siting process:

(1) Areas designated as common open space shall be configured so as to:

(a) Minimize negative impacts of development upon the tract;

(b) Maximize conservation of the site features identified as having particular conservation value, historical significance, or recreational value, including: mature trees, woodlands, hedgerows, fence lines, historic sites of structures, historic road or other transport traces, paths, trails, and other noted landscape features; and

(c) Serve as buffer areas between grouped dwellings and adjacent tracts.

(2) Dwellings and accessory buildings shall be configured so as to:

(a) Be situated below ridgeline elevations to preserve existing vistas. To achieve this objective, dwellings and accessory structures should be sited entirely below the elevation of the nearest ridge line whenever possible. Where the applicant claims that dwellings and accessory structures cannot be situated below the ridgeline, it shall be the burden of the applicant to demonstrate why this cannot be achieved and how the proposed design creates the minimum possible disturbance of views of the ridgeline per the requirements of Section A.108(B)(2) below;

(b) Be located outside of environmentally constrained areas, including steep slopes in excess of 25% floodplains, wetlands and natural drainage swales;

(c) Be located outside of broad, open vistas visible from roads or other public vantage points; and

(d) Provide maximum views of and access to open space by residents of proposed dwellings.

(e) Minimize the impact upon existing wooded areas.

(B) Dimensional Standards. The following dimensional standards shall apply to all Open Space Developments:

(1) All dwelling units within a tract must be set back a minimum of one hundred (100') feet from the nearest tract boundary line except where existing natural features of the site, including but not limited to woodland areas, changes in topography, hedgerows, or other site characteristics result in the dwelling unit being completely visually screened from the adjacent property and guarantees are provided through the planning process that such features will remain undisturbed, this setback may be reduced to seventy-five (75') feet.

(2) Building height shall be limited to 2-1/2 stories, and 30 feet. To the extent that any portion of a structure must be located above a ridgeline elevation, such siting shall be contingent upon the submission and approval by the Board of Supervisors of a plan for the mitigation of such ridgeline impacts. Such plans shall identify the locations and dimensions of the proposed structure(s), the architectural style proposed, and shall demonstrate how the structure(s) shall be effectively screened from the adjacent tracts through screening and/or designed to minimize disruption of views of the ridgeline.

(3) The minimum distance between single-family detached dwellings shall be twenty (20') feet.

(4) All structures shall be set back at least twenty-five (25') feet from the curblineline or edge of cartway of any internal access road.

(5) All structures shall be set back at least ten (10') feet from the edge of any shared parking area except in the case of contiguous, adjacent driveways that lead to a garage or carport, for which no setback shall be required.

(6) Where Common Open Space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) acre in area. No single area or portion of an area designated as Common Open Space shall be counted toward the minimum required open space wherever such area or portion of area is less than one hundred fifty (150') feet in width, except in the case of a trail corridor or other linkage between two larger, noncontiguous, open space areas.

Section A.108. Uses Allowed Within Common Open Space Areas. The following uses shall be permitted within all common open space areas:

(A) Natural Area, including but not limited to, steep slopes, woodland areas, meadows, wetlands, streams, game preserves, etc.;

(B) Lawn, a grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance. Lawn shall only be allowed in those portions of the Common Open Space that do not contain any Environmentally Sensitive Areas;

(C) Outdoor Recreation Area, either active or passive;

(D) Sewage Treatment Facility involving land disposal and groundwater recharge facilities but excluding buildings and other aboveground structures associated with such facilities;

(E) Stormwater management facilities or portions thereof that can be integrated into the natural environment, such as swales, retention ponds, etc.;

(F) Agriculture, subject to the ownership mechanism, procedures and limitations under Section A.108(B)(6), below.

Section A.109. Common Open Space Ownership and Maintenance Standards.

(A) Development Plan. The development plan submission shall include documents creating and governing a property owner's organization and containing the declaration of covenants, restrictions, easements, charges and liens deemed necessary to own and maintain the common open space area(s), local open space area(s), and any recreation areas within the open space development.

(B) Ownership Options. Common open space shall be held under any one of the following forms upon receiving approval from the Board of Supervisors:

(1) Homeowners Association. The applicant may provide for the establishment of an organization for the ownership and maintenance of the common property and improvements. The organization shall consist of the property owners within the open space development, each receiving an equal vote and responsibility. Such an organization shall not be dissolved nor shall it dispose of the common property and improvements unless transferred to another type of ownership permitted hereunder.

(2) Condominium. The open space as authorized herein may be controlled through the use of a condominium agreement. Such agreement shall conform to the Pennsylvania Uniform Condominium Act. In such instance, all open space and improvements shall be held as a "Common Element".

(3) Dedication of Easements. The Township may at any time accept easements for the public use of any portion or portions of the common open space. Such land shall be thereby accessible to the residents of the Township. In the event of a dedication of an easement, the Township shall enter into a maintenance agreement with the owners of the open space.

(4) Transfer of Easements to Private Conservation Organization. Easements on common open space may be transferred to a private, nonprofit organization involved in the conservation of natural resources upon approval of the Board of Supervisors. The conveyance of an easement shall contain appropriate provisions for the reversion to the Township at any time the property is not used pursuant to the intentions of this Chapter. Prior to the transfer of an easement a maintenance agreement shall be entered into between the Township, the organization holding ownership and the proposed conservation organization.

(5) Fee Simple Dedication. The Township may at any time accept dedication of all or part of the common open space for the use and maintenance by the Township as common open space.

(6) Agricultural Lease Option. To encourage the retention of agricultural lands, the Township, Homeowners Association or the Condominium Agreement may permit all or portions of the open space lands to be leased to a farmer. Approval of the lease option shall be conditioned on appropriate agreements between the titleholder and the farmer concerning permitted farming practices and use of the land in the event farming practices cease.

(C) Homeowners Association Regulations. The formation of a Homeowners Association shall be governed according to the following regulations:

(1) The applicant shall provide a description of the organization including its by-laws and methods for maintaining open space and improvements.

(2) The organization is established by the applicant and operated with financial subsidization by the applicant prior to the sale of a percentage of the lots within the development, per Section A.108(C)(4) below.

(3) Membership in the organization is mandatory for all purchasers of homes and their successors.

(4) Controlling interest shall not be conveyed from the applicant to the Homeowners Association prior to completion and sale of at least sixty (60) percent of the total number of units.

(5) The organization shall be responsible for meeting insurance and tax obligations on the common open space and improvements.

(6) Rights and duties of the members of the organization in the event of a breach of the covenants and restrictions shall be defined.

(7) The by-laws shall include a statement, which grants to the Township such power, but not the duty, to maintain the common open space and common facilities, and to assess the cost of the same as provided within the Pennsylvania Municipalities Code.

(D) Delinquency of Maintenance.

(1) In the event an organization or a condominium organization undertakes the responsibility of maintaining the common open space and improvements and fails to maintain the same in reasonable order and conditions in accordance with the development plan, the Township may serve written notice upon the organization or residents in the development setting forth the manner in which the organization has failed to properly maintain the common areas.

(2) Notices shall demand that the deficiencies of maintenance be corrected within thirty (30) days and shall establish the date and place of a hearing to be held on the delinquency. Such a hearing shall take place within fourteen (14) days of the notice. Should the deficiencies set forth in the original notice or in the subsequent modifications fail to be corrected within the established thirty (30) days, the Township, in order to preserve the taxable values of the affected properties, may enter the common open space and improvements and maintain them for a period of one (1) year. Such efforts shall not constitute a taking of the property nor vest in the public any right to use the same. The cost of maintenance by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment. Such assessments shall become a lien on the said properties and shall be perfected by filing in the office of the Prothonotary of Berks County.

Section A.110. Additional Requirements.

(A) The proposed plan for an open space development shall comply with the applicable provisions of the Township's Subdivision and Land Development Ordinance (Chapter XXVII).

(B) No individual residential driveways shall directly enter onto an arterial or collector street.

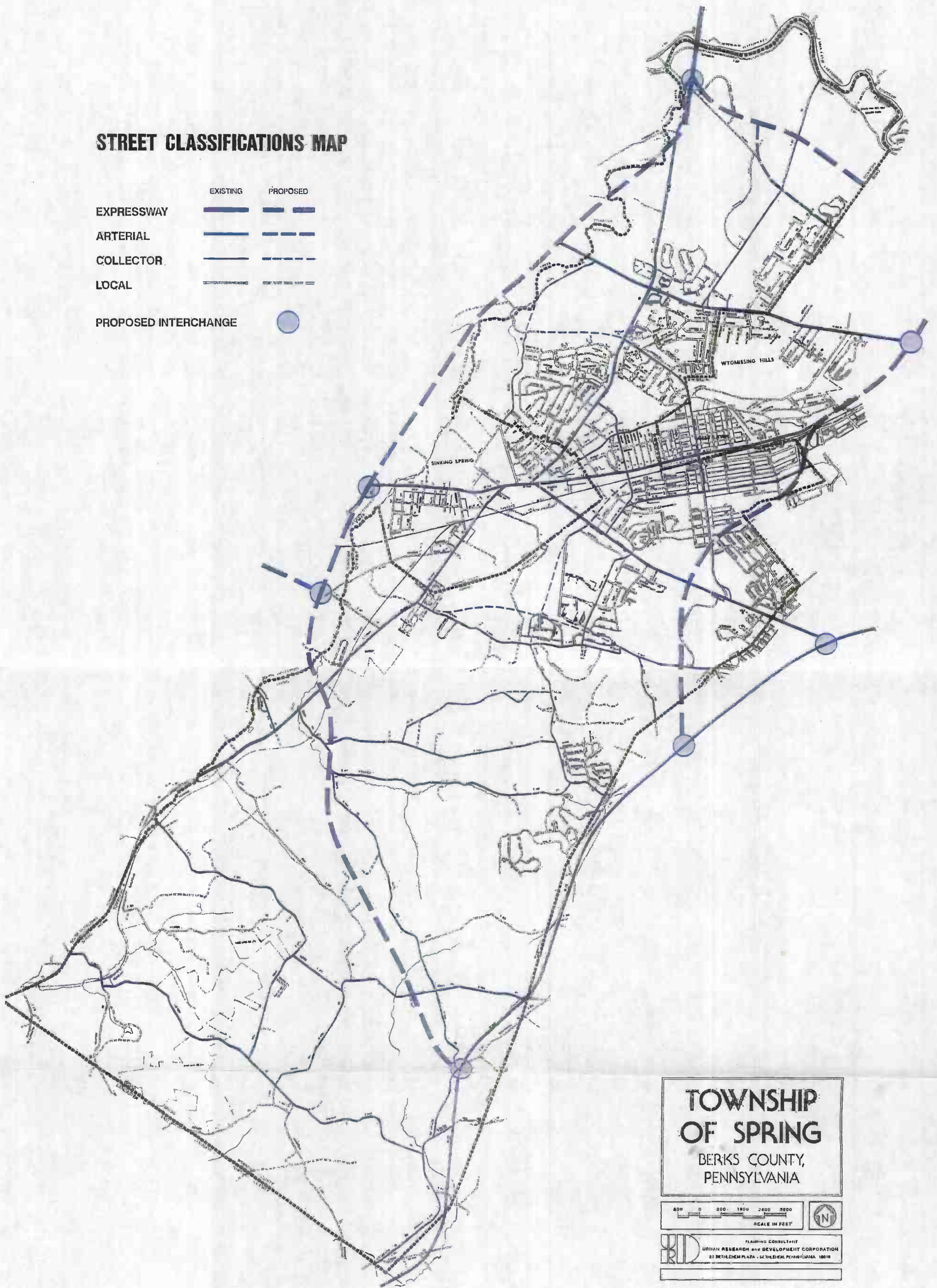
(C) The Site Design Guidelines of §409(D) shall be used as criteria to evaluate whether a proposal meets the intent of this section.

(D) It is an intention of this Section (Appendix) to encourage a well-designed and complementary variety of architectural styles. As an additional submission criteria, the applicant shall submit preliminary general architectural sketches. These sketches are for informational purposes only.

Section 902. Street Classification Map. (Ordinance No. 335, March 26, 2007,
Appendix of Section 2)

STREET CLASSIFICATIONS MAP

	EXISTING	PROPOSED
EXPRESSWAY		
ARTERIAL		
COLLECTOR		
LOCAL		
PROPOSED INTERCHANGE		



**TOWNSHIP
OF SPRING**
BERKS COUNTY,
PENNSYLVANIA

0 400 800 1200 1600 2000
SCALE IN FEET



PLANNING CONSULTANT
URBAN RESEARCH and DEVELOPMENT CORPORATION
83 DETLEFEN PLAZA - GAITHERSBURG, PENNSYLVANIA 19340

Section 903. Zoning Map. (Ordinance No. 335, March 26, 2007, Appendix of Section 2; as amended by Ordinance No. 357, April 28, 2008, Section 1)

ZONING MAP

LEGEND

— ZONING DISTRICT BOUNDARY LINE

RESIDENTIAL

- RHA RURAL HOLDING AREA
- RC RURAL CONSERVATION
- RS RURAL/SUBURBAN
- LDS LOW DENSITY SUBURBAN
- MDS MODERATE DENSITY SUBURBAN
- SS SUBURBAN/SEMI-URBAN
- U URBAN

COMMERCE, BUSINESS & INDUSTRY

- NC NEIGHBORHOOD CONVENIENCE COMMERCIAL
- PHC PLANNED HIGHWAY COMMERCE
- PHI PLANNED HIGHWAY INTERCHANGE
- PHT PLANNED HIGHWAY TRANSITIONAL
- PO/B PLANNED OFFICE/BUSINESS
- PBR PLANNED BUSINESS AND RESIDENTIAL
- PI/B PLANNED INDUSTRY/BUSINESS
- EI EXTRACTIVE INDUSTRY
- FS FUEL STORAGE

IDENTIFIED FLOODPLAIN AREA

STEEP SLOPES 15% - 25%

STEEP SLOPES 25% +

STATE GAME LANDS

* NOTE: Area which has been given PRD tentative approval on December 14, 1987, pending those areas which have not since been given final plan approval and which thereby are subject to alteration prevailing zoning according to Pennsylvania Municipalities Planning Code Section 10(c) (3) PS Section 10710(c) as amended.

Locations of Environmental Protection Areas (Identified Floodplain Areas and Steep Slopes) are approximate and are shown for informational purposes only. Exact locations are to be determined from the State Flood Insurance Rate Maps or by procedures outlined in the appropriate sections of the Zoning Ordinance.

The OFFICIAL ZONING MAP is available for review at the Spring Township Municipal Building.

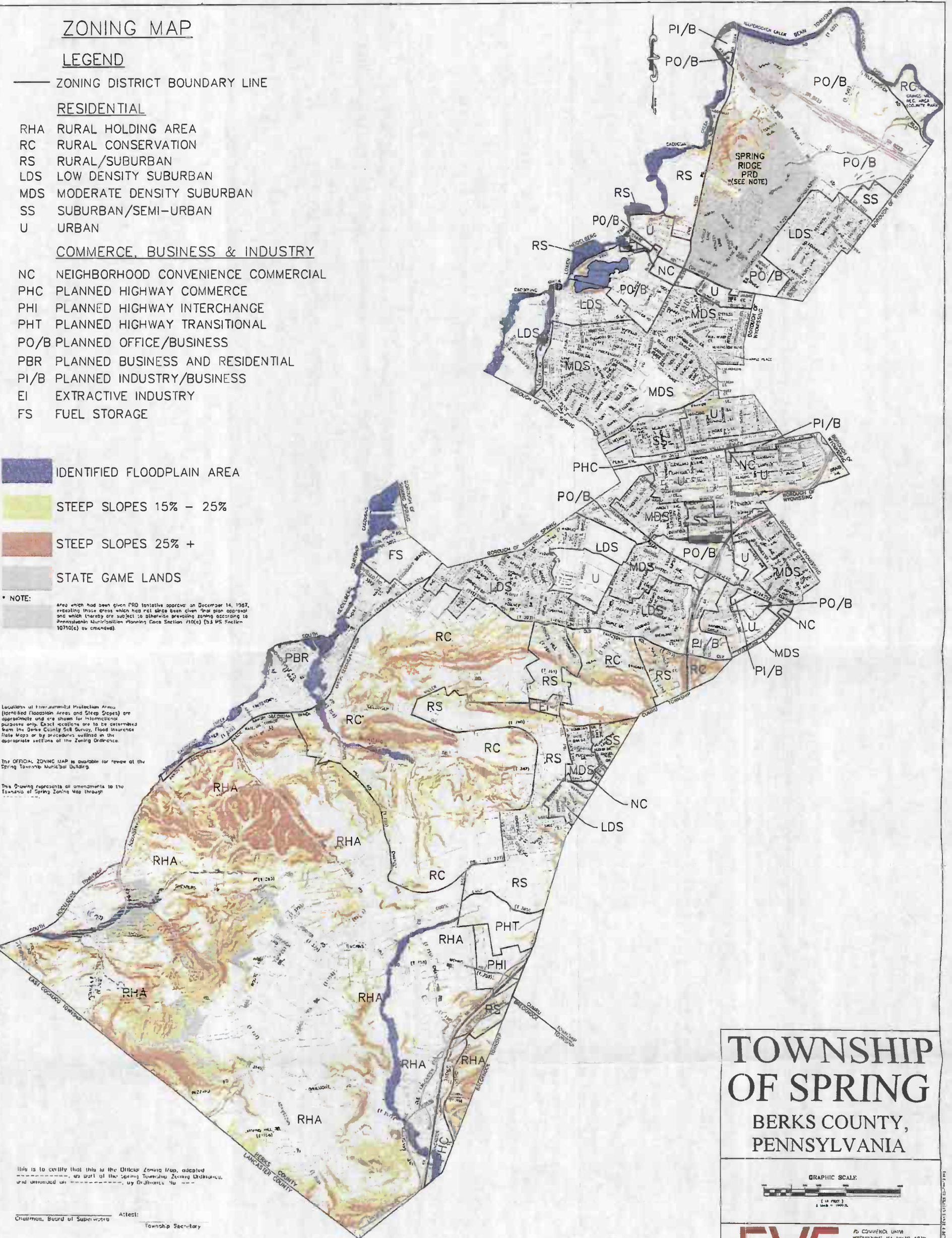
This drawing represents all amendments to the Township of Spring Zoning Map through

It is to certify that this is the Official Zoning Map, adopted as part of the Spring Township Zoning Ordinance, and amended on _____, by Ordinance No. _____

Chairman, Board of Supervisors

Attest:

Township Secretary



TOWNSHIP
OF SPRING
BERKS COUNTY,
PENNSYLVANIA

GRAPHIC SCALE



GVC
GREAT VALLEY CONSULTANTS
ENGINEERS • PLANNERS • SURVEYORS • CONSULTANTS
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