# Chapter XXXI

## Zoning

### Part 1

Zoning Ordinance of the Township of Lower Heidelberg

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Part 1
Zoning Ordinance of the Township of Lower Heidelberg

A. General Information

Section 101. Intent. This is an Ordinance regulating the location, construction, alteration and removal of Structures and regulating the Use of land. Zoning Districts, with their applicable regulations and general regulations, are created to accomplish these purposes. Provision is made for the amendment, enforcement and administration of these zoning regulations. (Ordinance 54, November 19, 1973, Introduction)

Section 102. Title. This Ordinance shall be known as and may be cited as "The Lower Heidelberg Zoning Ordinance of 1973." (Ordinance 54, November 19, 1973, Section 100)

Section 103. Purpose. This Ordinance is enacted to promote the public health, safety, morals and general welfare of the residents of the Township of Lower Heidelberg by encouraging the most appropriate Use of land and Buildings; preventing the overcrowding of land; avoiding undue congestion of population; providing for adequate light and air; conserving the value of land and Buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities.

This Ordinance is enacted in accordance with the Community Development Objectives as set forth in the Lower Heidelberg Township Comprehensive Plan. These Community Development Objectives are:

(a) To discourage strip commercial development along Route 422, concentrating commercial development near areas of existing and proposed residential development and areas of existing commercial development.

(b) To provide greenbelt areas which will serve as buffers between residentially developed areas within and adjoining the Township. Buffers would be provided between growth occurring near Sinking Spring and near Wernersville and between growth occurring near Wernersville and near Heidelberg Township.

(c) To encourage residential growth in those areas which most feasibly can be served by public sewer and water systems - areas adjacent to the Borough of Wernersville and areas near Sinking Spring and Spring Township.

(d) To discourage strip residential development along roads within the Township and encourage concentrations of residential development.

(e) To provide areas for a variety of residential Building types, including Single-Family Dwellings, Two-Family Dwellings and multiple Family Dwellings.

(f) To encourage each type of land Use to be located in areas which are most suitable for each particular land Use.

(g) To discourage development in those areas not suitable for development, such as steep slopes and flood plains.

(h) To encourage the preservation of the best Farm land within the Township.
(i) To encourage the preservation of natural amenities such as streams, stream valleys and wooded areas.

(j) To provide for a system of Open Space through the preservation of flood plains, steep slopes, wooded areas, Farm lands and the planning of parks and greenbelts, thereby structuring residential growth, providing areas of visual amenity and providing areas for passive and active recreation.

(k) To encourage a pattern of orderly growth and compactness of development to facilitate the economical provision of utilities and services.

(l) Discourage development in areas not suitable for on-site sewage disposal and which cannot be feasibly sewered.

(m) To provide for an adequate road system for the Township.

(n) To provide for land for community facilities, assuring the provision of these resources to all the residents of the Township. To locate these areas so that they will be conveniently located to residential areas and add to the amenity of residential areas.

(o) To preserve the quality of existing residential areas within the Township.

(p) To assure the quality of future residential development which occurs within the Township through the adopting of subdivision regulations for the Township and the provision of adequate area, height, Yard and Use requirements, performance standards and general regulations in the Township Zoning Ordinance.

(Ordinance 54, November 19, 1973, Section 101)

Section 104. Interpretation. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provision of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

(Ordinance 54, November 19, 1973, Section 200)

Section 105. Application. The regulations of this Ordinance shall apply to all Structures, Buildings, land Uses and Signs in the Township of Lower Heidelberg. (Ordinance 54, November 19, 1973, Section 201)

Section 106. Definitions. For the purposes of this Ordinance certain terms and words are defined as follows. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory. The word "may" is permissive. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

(a) Access Drive. A private drive providing vehicular access between a public or private Street and a Building or parking area within a land development.

(b) Accessory Building. A Building subordinate to the Principal Building on a Lot and used for purposes customarily incidental to those of the Principal Building.
(c) **Accessory Use.** A subordinate Use of a portion of a Lot which is customarily incidental to the main or Principal Use of the land or of a Building on a Lot.

(d) **Agriculture.** The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to, nursery, horticulture and forestry and animal husbandry.

(e) **Alteration, Structural.** Any enlargement of a Building; the moving of a Building from one location to another; any change in or addition to the supporting members of a Building or Structure.

(f) **Apartment Building.** A Building on a single Lot designed for and occupied as a residence for three (3) or more families and in which the Dwelling Units may be separated horizontally and/or vertically.

(g) **Apartment Unit.** A Dwelling Unit within an Apartment Building. An Apartment Building is a Building on a single Lot designed for and occupied as a residence for three (3) or more families and in which the Dwelling Units may be separated horizontally and/or vertically.

(h) **Approved Private Street.** A legally established Right-of-Way which provides the primary vehicular access to a Lot and which has not been dedicated or deeded to the Township of Lower Heidelberg.

(i) **Arterial Road.** Arterial Roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

(j) **Basement.** A story partly underground having one-half (1/2) or more of its height below the average level of the adjoining ground.

(k) **Buffer Strip.** A continuous strip of landscaped land which is clear of all Buildings and parking areas.

(l) **Building.** An enclosed Structure.

(m) **Building Area.** The total area taken on a horizontal plane at the main grade level of all primary and Accessory Buildings on a Lot.

(n) **Building Height.** The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of the Building to the highest point of the roof. Chimneys, spires and other similar projections shall not be included in calculating the height of a Building.

(o) **Building Setback Line.** A line parallel to and set back from a Street Line. No Building is permitted between the Street Line and the Building Setback Line.

(p) **Cartway.** The portion of a Street Right-of-Way, paved or unpaved, intended for vehicular Use.

(q) **Common Parking Area.** A parking facility other than those serving a Single-Family Detached Dwelling, Single-Family Semi-Detached Dwelling or a Townhouse.

(r) **Communication Tower.** A structure intended to be used for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communications.

(s) **Continuing Care Facility for the Elderly.** A residential development consisting of living units exclusively for persons who are...
sixty-five (65) years of age or older or for married couples where one (1) or both spouses are sixty-five (65) years of age or older, with facilities for health care, physical therapy and other such ancillary services. Such facilities shall furnish to an individual, other than an individual related by consanguinity or affinity to the person furnishing such care, board and lodging together with nursing services, medical services or other health-related services, regardless of whether or not the lodging and services are provided at the same location and pursuant to an agreement effective for the life of the individual or for a period in excess of one year, including mutually terminable contracts with or without other periodic charges.

(s) Corner Lot. A Lot abutting two (2) or more intersecting public or private Streets, or at the point of abrupt change of direction of a single Street (an interior angle of less than one hundred thirty-five (135) degrees and a radius line of less than one hundred feet (100')).

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

(u) Dwelling. A Building or portion thereof used for habitation by a Family. Types of Dwellings are listed below. Such Buildings as hospitals, hotels, boarding, rooming, lodging houses, motels, hotels and institutional residences are not included in the definition of Dwelling.

(v) Dwelling Unit. One (1) or more sleeping and/or living rooms arranged for Use by one (1) or more individuals living as a single housekeeping unit.

(w) Family. Any number of persons living and cooking together as a single housekeeping unit.

(x) Farm. An area of land used for Agriculture, as defined above.

(y) Floor Area. The sum of the gross horizontal areas of every floor of a Building, including Basement space devoted to residential, commercial or industrial Use, and roofed porches, breezeways, roofed garages, carports and other Accessory Buildings.

(z) Free-Standing Sign. An independently supported Sign, not attached to any Building or Structure.

(aa) Front Lot Line. The line separating a Lot from a Street or other Right-of-Way. The Front Lot Line is also the Street Line.

(ab) Front Yard. The required Open Space between the Street Line and the Principal Building on a Lot, extending the full width of a Lot.

(ac) Highway Access Point. The location or place of egress from or access to a Street or highway created by a driveway, minor Street or another highway.

(ad) Highway Frontage. The Lot dimension measured along the Right-of-Way or Street Line of any Street or highway abutting a Lot.

(ae) Home Occupation. An occupation customarily conducted within a Dwelling Unit. Both Professional and non-Professional Home Occupations must meet the Home Occupation regulations of this Ordinance.

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(af) Improvement. Any type of Structure, excavation or paved section, excluding driveway or curb, planting strip or barrier to unchanneled motor vehicle entrance or exit in commercial districts.

(ag) Improvement Setback Line. A line parallel to and set back from a Street Line. No Improvements are permitted between the Street Line and the Improvement Setback Line.

(ah) Local Access Road. Local Access Roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

(ai) Lot. A parcel of land occupied or to be occupied by one (1) or more Principal Buildings and Accessory Buildings, including the Open Spaces required under this Ordinance. The area and depth of a Lot abutting a Street shall be determined by measurements to the Street Line.

(aj) Lot Line. A line forming the front, rear or side boundary of a Lot.

(ak) Lot Size. The area of a Lot.

(al) Lot Width. The distance between the side of Lot Lines.

(am) Major Collector. Major Collector roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

(an) Minor Collector. Minor Collector roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

(ao) Mobile Home. A transportable, single-Family Dwelling constructed in accordance with the specifications of the State of Pennsylvania as stated in Act 69 of 1972, as amended, intended 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 of minor and incidental unpacking and assembly operations.

(ap) Mobile Home Lot. A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single Mobile Home, which is leased by the part owner to the occupants of the Mobile Home erected on the Lot.

(aq) Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of Mobile Homes for non-transient Use, consisting of two (2) or more Mobile Home Lots.

(ar) Municipal Use. A land Use owned and maintained by the Township and including such Uses as a library, park, playground, administrative or equipment storage Building.

(as) Nonconforming Building, Lot, Structure or Use. A Building, Lot, Structure or Use which does not conform to the regulations of the district in which it is located and lawfully existed prior to the enactment of this Zoning Ordinance. Nonconforming Structures include nonconforming Signs.

(at) Open Space and Recreation Area. Required ground surface upon which no Dwelling or Accessory Uses thereto may be constructed and upon
which no loading and parking areas are permitted. The area shall be available for the use of all residents of the development in which it is located.

(au) **Parking Space.** A space within a Building or on a Lot, used for the parking of a motor vehicle.

(av) **Party Wall.** A wall used or adopted for joint service between two (2) Buildings.

(aw) **Premises.** A descriptive word to include all Improvements, Buildings and land on or within a Lot.

(ax) **Principal Building.** A Building in which is conducted the Principal Use of the Lot on which it is situated.

(ay) **Principal Use.** The main or primary purposes for which any land, Structure or Building is designed, arranged, or intended, and for which they may be occupied or maintained under the Zoning Ordinance.

(az) **Professional.** Doctor, surgeon, dentist, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect or land planner.

(ba) **Public Road.** A public thoroughfare, including a Street, road, lane, alley or court, which have been dedicated or deeded to the Township and accepted by it and which affords the principal means of access to the abutting property.

(bb) **Rear Lot Line.** The Lot Line which is opposite from the Front Lot Line. The real line of any triangularly or irregularly shaped Lot shall be at least ten feet (10') long.

(bc) **Rear Yard.** The required Open Space between the real Lot Line and the Principal Building on a Lot, extending the full width of the Lot.

(bd) **Retirement Complex.** A residential development consisting of living units exclusively for unmarried persons who are sixty-two (62) years of age or older and form married couples with one (1) spouse or both spouses being sixty-two (62) years of age or older with facilities for health care, physical therapy and other such ancillary services. Such facilities shall furnish to an individual, other than an individual related by consanguinity or affinity to the person furnishing such care, of board and lodging (and in the case of intermediate and skilled care facilities, nursing services, medical services or other health-related services), regardless of whether or not the lodging and services are provided at the same location and pursuant to an agreement effective for the life of the individual or for a period in excess of one year, including mutually terminable contracts, and whether or not in consideration of the payment of an entrance fee with or without other periodic charges.

(be) **Right-of-Way.** The total width of any land reserved or dedicated as a Street, road, lane, alley or crosswalk.

(bf) **Riparian Rights.** Rights relating to the Use of a stream or lake.

(bg) **Screen.** Vegetative material, fence, etc. planted or constructed to Screen the Structures and Uses on the Lot on which the Screen is located from the view of people on adjoining properties.

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**(bh)** **Side Yard.** The required Open Space between a side Lot Line and the Principal Building on a Lot, extending from the front line to the rear line of the Principal Building.

**(bl)** **Sight Triangle.** An area within which no vision obstructing object is permitted above a height of three feet (3') and below a height of ten feet (10').

**(bj)** **Sign.** Any Structure or part thereof, or any device attached to a Building or painted or represented thereon, which shall display or include any letter, word, model, picture, insignia, device or representation which is used as an announcement, direction or advertisement.

**(bk)** **Single-Family Cluster Development.** A development consisting of Single-Family Detached Dwellings constructed on Lots smaller than usually required for the zoning district in which they are located, provided that a specific maximum density is maintained by providing permanent open space.

**(bl)** **Single-Family Semi-Detached.** A Building designed to be occupied exclusively as a residence for two (2) families, each living on one (1) side of a common or Party Wall.

**(bm)** **Single-Family Detached Dwelling.** A Building designed to be occupied exclusively as a residence for one (1) Family and having no common or Party Wall with an adjacent Building.

**(bn)** **Street.** A public or private Right-of-Way intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties.

**(bo)** **Street Frontage.** The Lot dimension measured along the Street Line or Right-of-Way line of any Street or highway abutting a Lot.

**(bp)** **Street Line.** The dividing line between a Lot and the outside boundary of a public Street, road, or highway Right-of-Way legally open or officially plotted by a municipality or higher governmental authority, or between a Lot and a private Street, road or way over which the owners or tenants of two (2) or more Lots held in single and separate ownership have a Right-of-Way. (Where a future Right-of-Way width for a Street has been established, the Street Line shall be in the line of such future Right-of-Way.)

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

**(br)** **Townhouse.** A Building designed to be occupied exclusively as a residence for one (1) Family which is one (1) of a group of three (3) or more such Buildings, placed side by side and separated by Party Walls.

**(bs)** **Township.** Township of Lower Heidelberg.

**(bt)** **Two-Family Detached.** A Building designed to be occupied exclusively as a residence for two (2) families, with one (1) Family living wholly or partly over the other and with no common or Party Wall with an adjacent Building.

**(bu)** **Two-Family Semi-Detached.** A Building designed to be occupied exclusively as a residence from two (2) families living on one (1) side of a common or Party Wall and one (1) of the families living wholly or partly over the other.
(by) Use. A single activity carried on or in a Lot, Building or Structure.

(bw) Yard. The required open unoccupied space on the same Lot with a Building. The space shall be open and unobstructed from the ground upward, except as otherwise provided, and not less in depth or width than the minimum required in each Zoning District.

(bx) Zoning Hearing Board. Lower Heidelberg Township Zoning Hearing Board.

(by) Zoning Officer. Lower Heidelberg Township Zoning Officer.

(bz) Zoning Ordinance. Lower Heidelberg Township Zoning Ordinance.

Section 107. Types of Zoning Districts. In order to carry out the objectives of this Zoning Ordinance, the Township of Lower Heidelberg has been divided into the following Use Districts:

- A-1 Agricultural Preservation District
- A-2 Agricultural District
- A-R-1 Agricultural Recreational District
- C-1 Mixed Commercial District
- C-2 General Commercial District
- I-1 General Industrial District
- R-1 Rural Conservation District
- R-2 Rural Residential District
- R-3 Suburban Residential District
- R-4 Suburban Residential District
- R-5 Suburban Residential District
- R-6 Suburban Residential District
- R-7 Suburban Residential District
- RC-1 Retirement Complex District
- R-P Rural Preservation District

Section 108. Official Zoning Map.

(a) The boundaries of the Zoning Districts shall be as shown on the Zoning Map of the Township of Lower Heidelberg. The official copy of this Zoning Map shall be located in the Township Building. The Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.

(b) The Official Zoning Map shall be so labeled and identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Secretary of said Board and bear the sale of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the Township of Lower Heidelberg adopted November 19, 1973."

(c) All amendments to the Zoning Map of the Township shall be indicated on the Official Copy of the Zoning Map. An entry indicating the
change made and the date of any change shall be made and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.

(d) In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the Township of Lower Heidelberg adopted ____________________ ."

(Ordinandi 54, November 19, 1973, Section 401)

Section 109. District Boundaries - Rules for Interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately coinciding with the center lines of Streets, highways or alleys, such center lines shall be construed to be such boundaries.

(b) Where district boundaries are indicated as approximately coinciding with plotted Lot Lines, such Lot Lines shall be construed to be such boundaries.

(c) Where district boundaries are indicated as being approximately parallel to the center or Right-of-Way lines of Streets or highways, such district boundaries shall be construed as being parallel to the center or Right-of-Way lines and at such distance from the center or Right-of-Way lines as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of map.

(d) Where district boundaries are indicated as being approximately perpendicular to the Right-of-Way lines of Streets or highways, such district boundaries shall be construed as being perpendicular to the Right-of-Way lines.

(e) Boundaries indicated as approximately following Township limits shall be construed as following such limits.

(f) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts.

(g) Boundaries indicated as parallel to or extensions of features indicated in Sections 1 through 6 above shall be so construed.

(h) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other

1(Subsections (a) through (f) of Section 109 of this Chapter)
circumstances not covered by Sections 1 through 72 above, the Zoning Hearing Board shall interpret the district boundaries.

(i) Where a district boundary line divides a Lot which was in single ownership at the effective date of this Ordinance, the Zoning Hearing Board may permit as a Special Exception the extension of the regulations of the more restrictive Zoning District fifty feet (50') beyond the district line into the remaining portion of the Lot.

(Ordinance 54, November 19, 1973, Section 402)

Section 110. Application of District Regulations.

(a) Except as hereafter provided in this Ordinance, no Building, Structure or land shall be used or occupied and no Building, Structure or part thereof shall be erected, constructed, reconstructed or structurally altered except in conformity with all the regulations specified within this Ordinance for the district in which the Building, Structure or land is located.

(b) No Building, Structure or land shall be used or occupied and no Building, Structure or part thereof shall be erected, constructed, reconstructed or structurally altered without the issuance of a Building Permit by the Zoning Officer.

(c) No part of a Yard, other Open Space or off-Street parking or loading space required in connection with one (1) Structure, Building or Use of the land shall be included as part of a Yard, Open Space or off-Street parking or loading space similarly required for any other Structure, Building or Use of the land.

(d) No Yard or Lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance.

(e) All territory which may hereafter be annexed to the Township shall be considered to be an A-1 district until otherwise classified.

(Ordinance 54, November 19, 1973, Section 403)

Section 111. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Part is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Part as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Part. The Board of Supervisors of Lower Heidelberg Township, Berks County, Pennsylvania, hereby declares that it would have adopted this Part and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

2(Subsections (a) through (g) of Section 109 of this Chapter)
B. Zoning District Regulations

Section 150. A-1 Agricultural Preservation District. (Ordinance 54, November 19, 1973, Section 500)

Section 151. A-1 Specific Intent. One purpose of this district is to encourage the preservation of the most suitable Farm land within the Township. The areas included in this district are predominantly Used for Agriculture at the present time and soils mapping has indicated they include very suitable Farm land. Future population projections for the Township have been analyzed and future population growth can be accommodated in other Zoning Districts given their size and permitted densities. Another purpose of this district is to discourage on-site sewage disposal in portions of the Township which soils mapping has indicated as being hazardous for on-site sewage disposal (because of the presence of limestone soils) and having severe limitations for on-site sewage disposal. Residential development is prohibited unless off-site sewer and water facilities are provided. (Ordinance 54, November 19, 1973, Section 501)

Section 152. A-1 Uses Permitted by Right. Land and Buildings in an A-1 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling located on a Farm.
(b) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606\(^3\) of this Ordinance.
(c) Agricultural Use, conducted on a Farm, subject to:
   (1) The minimum size of a Farm shall be forty (40) acres.
   (2) All grazing or pasture areas utilized for this purpose shall be fenced.
   (3) No Farm or any other out Building other than a Dwelling shall be constructed closer than seventy-five feet (75') to any property line.
   (4) No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.
   (5) No Structure designated for the cultivation of mushrooms or for the raising of pigs or poultry shall be located within two hundred feet (200') of any property line.
   (6) The storage of spent mushroom compost is prohibited.
(d) Display and Sale of Farm Products, provided that:
   (1) The sales value of products produced on the property on which Farm products are sold and offered for sale shall comprise at least fifty percent (50%) of the total sales value of all products offered for sale on that property.
   (2) The off-Street parking regulations for a Farm stand are met.

\(^3\) (Section 506 of this Chapter)
(3) The sale of Farm products shall be conducted within a Structure or from a stand which shall be no closer than fifty feet (50’) from any Street Right-of-Way line.

(e) Processing of Farm products, where such Use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

(f) Woodland or game preserve, wildlife sanctuary or similar conservation Use.

Section 153. A-1 Uses Permitted by Special Exception. The following Uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

(a) Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

(b) Single-Family Detached Dwellings, provided that:

(1) Public or community sewer and water facilities shall be provided.

(2) The minimum size parcel which may be developed for Single-Family Detached Dwellings shall be forty (40) acres.

(3) The minimum Lot Size shall be one (1) acre, the minimum Lot Width at the Street Line shall be one hundred feet (100’), the minimum Lot Width at the Building Setback Line shall be one hundred fifty feet (150’), the minimum Rear Yard shall be thirty feet (30’), the minimum Building Setback Line shall be fifty feet (50’), each Side Yard shall be a minimum of twenty feet (20’) wide, the maximum Building Height shall be thirty-five feet (35’) and the maximum Lot area covered by Buildings shall be fifteen percent (15%).

(Ordinance 54, November 19, 1973, Section 503)

Section 154. A-1 Area, Yard and Height Regulations.

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum Permitted</th>
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<tbody>
<tr>
<td>Barns, Silos and Other Agricultural Buildings</td>
<td>None</td>
</tr>
<tr>
<td>All other Buildings</td>
<td>35 Feet</td>
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<tr>
<td>Lot Area Covered by Buildings</td>
<td>5 percent</td>
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(Section 604 of this Chapter)

(Section 523 of this Chapter)
Minimum Requirements

Lot Size
Building Setback Line
Rear Yard
Side Yard
Total
One Side

(Ordinance 54, November 19, 1973, Section 504)

Section 155. A-1 General Regulations. The following general regulations found in this Ordinance shall apply to the A-1 District:

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<th>Section (of Ordinance)</th>
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</tbody>
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(Ordinance 54, November 19, 1973, Section 505)
Section 175. A-2 Agricultural District. (Ordinance 54, November 19, 1973, Section 506, as amended by Ordinance 92, April 21, 1986, Section 2)

Section 176. A-2 Specific Intent. The purpose of this district is to encourage the preservation of Farmland within an agricultural area of the Township. This district includes areas of land which soils mapping has indicated as very suitable Farmland. Residential development is prohibited unless off-site sewer and water facilities are provided. Surface mining activities may be permitted by the Township Supervisors at appropriate locations when sufficient safeguards will be applied to protect near-by properties and Streets from adverse impacts from those mining activities, upon application for a Conditional Use. (Ordinance 54, November 19, 1973, Section 506.1, as amended by Ordinance 92, April 21, 1986, Section 2)

Section 177. A-2 Uses Permitted by Right. Land and Buildings in an A-2 District may be Used for the following purposes and no others, unless a Special Exception or a Conditional Use is granted:

(a) Single-Family Detached Dwelling located on a Farm.

(b) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.

(c) Agricultural Use, conducted on a Farm, subject to:

(1) The minimum size of a Farm shall be forty (40) acres.

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

(3) No barn or any other out Building other than a Dwelling shall be constructed closer than seventy-five feet (75') to any property line.

(4) No slaughter, compost or manure storage area shall be established closer than two hundred feet (200') to any property line.

(5) No Structure designated for the cultivation of mushrooms or for the raising of pigs or poultry shall be located within two hundred feet (200') of any property line.

(d) Display and Sale of Farm Products, provided that:

(1) The annual sales value of products produced on the property on which Farm products are sold or offered for sale shall comprise at least fifty percent (50%) of the total annual sales value of all products offered for sale on the property.

(2) The off-Street parking regulations for a Farm stand are met.

(3) The sale of Farm products shall be conducted within a Structure or from a stand which shall be no closer than fifty feet (50') from any Street Right-of-Way line.

(e) Processing of Farm products, where such Use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

6(Section 506 of this Chapter)
Section 178. A-2 Uses Permitted by Special Exception. The following Uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

(a) Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

(b) Single-Family Detached Dwellings, provided that:

(1) Public or community sewer and public or community water facilities shall be provided.

(2) The minimum size parcel which may be developed for Single-Family Detached Dwellings shall be forty (40) acres.

(3) The minimum Lot Size shall be one (1) acre, the minimum width at the Street Line shall be one hundred feet (100'), the minimum Lot Width at the Building Setback Line shall be one hundred fifty feet (150'), the minimum Rear Yard shall be thirty feet (30'), the minimum Building Setback Line shall be fifty feet (50'), each Side Yard shall be a minimum of twenty feet (20'), the maximum Building Height shall be thirty-five feet (35') and the maximum Lot area covered by Buildings shall be fifteen percent (15%).

(Ordinance 54, November 19, 1973, Section 506.3, as amended by Ordinance 92, April 21, 1986, Section 2)

Section 179. A-2 Uses Permitted by Condition. The following Use is permitted as a Conditional Use upon approval by the Township Board of Supervisors.

(a) Surface mining activities, subject to:

(1) The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. If required by the Department of Environmental Resources, said plans shall show or describe the following:

(i) The Use to which the land was put prior to the commencement of surface mining.

(ii) The Use which is proposed to be made of the land following reclamation.

(iii) The manner in which topsoil and subsoil will be conserved and restored.

7(Section 604 of this Chapter)

8(Section 523 of this Chapter)
(iv) Where the proposed land use so requires, the manner in which compacting of the soil and fill will be accomplished.

(v) A complete planting program.

(vi) A timetable for the accomplishment of each major step in the reclamation plan.

(2) The periodic filing with the Township of copies of any and all reports which set forth the current status of reclamation work performed and activities undertaken to implement Storm Water Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies.

When verified in writing by the governmental agency or body having jurisdiction, a non-compliance with any approved Reclamation Plan, Erosion and Sediment Control Plan or Storm Water Management Plan shall be grounds for issuance of a Stop Order under Section 7059 of this Ordinance, until action is begun to correct the non-compliance.

(3) An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Township Supervisors. Such plans shall be designed to prevent adverse affects from water runoff, erosion and sedimentation on adjoining streams, properties and Streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received and approved in lieu of such plans if they have been prepared to cover such subject matter.

(4) A plan indicating the location and proposed construction materials Used on roadways within the property lines of the mining operation which will be Used by trucks entering and leaving the site shall be submitted to the Township Supervisors. The plan shall state that:

(i) All such roadways shall be maintained and constructed by the operator so that truck travel on them will not result in the spread of dust beyond the property lines of the mining operating.

(ii) All such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operating will not deposit excessive or accumulating amounts of mining products, dirt, mud or other such substances on Public Roads.

(5) No surface mining operating which will result in the creation of an elevation difference in excess of ten feet (10') between the surface of the mine and any adjacent property or Public Road shall be carried out within fifty feet (50') of such a property, nor within one hundred feet (100') of such Public Road.

(6) No storage of products, by-products, overburden or cover material shall be permitted to reach a height in excess of fifty feet (50'). No such storage shall be permitted within fifty feet (50') of a property line of the mining operating or a Public Road.

9(Section 555 of this Chapter)
(7) All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall not be permitted between 5:00 P.M. and 8:00 A.M. and shall not be permitted on Sundays and legal holidays.

Notice of all blasting operations shall be given to the Township Secretary and the occupants of all property within a radius of three-quarters (3/4) of a mile of the location of blasting at least twenty-four (24) hours prior to the commencement of blasting.

(8) All other State and Federal Requirements pertaining to surface mining activities, air pollution and noise shall be complied with. When a license is required from the State, a copy of such license shall be filed with the Township along with evidence that any bond required for completion of the reclamation plan has been filed with the State.

(9) The minimum Lot Size for any surface mining operation shall be ten (10) acres.

(10) No operations shall be carried out on Sundays or legal holidays, nor between the hours of 7:00 P.M. and 7:00 A.M.

(11) Where none exist, planing Screens of a minimum height of seven feet (7') to completely Screen mining operations from adjoining residential properties shall be placed parallel to the mining operation set back lines ten feet (10') inside of and adjacent to the property boundary line(s). Said Screens shall be planted along a minimum distance of one hundred feet (100') on each side of the centerline of the wall of a Dwelling which faces the operation.

(12) Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any Public Road or other properties.

(13) Crushing and processing operations of the minerals, rock and other products of the earth mines on the Premises shall be permitted so long as the physical or chemical properties of same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.

(14) No substances which can harm persons, animals, vegetation or other forms of property shall be dispersed beyond the property lines of the mining operation.

(15) When required by the Department of Environmental Resources, a hydrologic study shall be submitted to the Township, which shall indicate the impact of the surface mining activity on ground water supplies and qualify in the area of the operations.

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

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

(Ordinance 54, November 19, 1973, Section 506.4, as amended by Ordinance 92,
April 21, 1986, Section 2).


(a) Application. Four (4) copies of an application for permission
to conduct a Use permitted by condition shall be submitted to the Township
Secretary. Such application shall include all information to allow the
Township Supervisors to determine that all requirements of this Ordinance
have been met.

(b) Review. After receiving an application, the Supervisors shall
refer the application to the Township Planning Commission for its review
and report concerning compliance with this Ordinance, which shall be made
within thirty (30) days. The application shall be reviewed at a regular
advertised meeting of the Township Supervisors, and the Supervisors shall
either approve or disapprove the application within sixty (60) days after
the date the application is received by the Township Secretary.

(c) Standards. The conditional Use permitted in Section 506.410
shall meet the following specific standards and all other applicable
Zoning District requirements and General Regulations established by this
Ordinance:

(1) The conditional Use shall be one which is specifically
authorized by Section 506.411.

(2) Public services and utilities, if available, shall be
adequate to service the proposed Use. Public Road surfaces Used by
equipment and trucks in connection with the mining operations shall
be adequate in width and Structure to bear the lads involved in the
operations or the applicant shall contribute sufficient funds to the
Township to pay for the costs to ensure same.

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

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

(5) The Use shall not adversely affect the character of the
general neighborhood, nor the health and safety of residents or
workers on adjacent properties and in the general neighborhood.

The applicant shall demonstrate, as a condition to approval of the
application, that the above standards and those specified elsewhere in
this Ordinance of the Use in question will be met.

The Township Supervisors may impose a condition on the grant of a
conditional Use that the operator shall post security with the Township to

10(Section 179 of this Chapter)

11(Section 179 of this Chapter)
cover the cost to repair, reconstruct or resurface any Public Roads
maintained by the Township which are damaged or subjected to excessive
wear resulting from the Use of said roads by the operator or others in
connection with the mining operations. In lieu thereof the operator may
enter into an agreement with the Township to make an annual contribution
to be Used in the maintenance of said roads as well as the contribution,
if any, required by subparagraph 3.b.12, above.

(Ordinance 54, November 19, 1973, Section 506.5, as amended by Ordinance 92,
April 21, 1986, Section 2)

Section 181. A-2 Area, Yard and Height Regulations.

Maximum Permitted

Building Height
Barns, Silos and Other Agricultural Buildings
All other Buildings

Lot Area Covered by Buildings

Minimum Requirements

Lot Size (except as noted in Section 506.4.13

Building Setback Line

Rear Yard

Side Yard

Total

One Side

(Ordinance 54, November 19, 1973, Section 506.6, as amended by Ordinance 92,
April 21, 1986, Section 2)

Section 182. A-2 General Regulations. The following general regulations
found in this Ordinance shall apply to the A-2 District:

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<th>Section (of Ordinance)</th>
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12(Subsection 180(c)(2) of this Chapter)

13(Section 179 of this Chapter)

XXXI-24
(Ordinance 54, November 19, 1973, Section 506.7, as amended by Ordinance 92, April 21, 1986, Section 2)
Section 200. A-R-1 Agricultural Recreation District. (Ordinance 157, February 20, 1995, Section 3)

Section 201. A-R-1 Specific Intent. One purpose of this district is to encourage the preservation of the most suitable Farm land within the Township. The areas included in this district are predominantly Used for Agriculture at the present time and soils mapping has indicated they include very suitable Farm land. Future population projections for the Township have been analyzed and future population growth can be accommodated in other Zoning Districts given their size and permitted densities. Another purpose of this district is to discourage on-site sewage disposal in portions of the Township which soils mapping has indicated as being hazardous for on-site sewage disposal (because of the presence of limestone soils) and having severe limitations for on-site sewage disposal. Residential development is prohibited unless off-site sewer and water facilities are provided. Finally, it is the purpose of this district to provide areas for Use as full-size golf courses, excluding driving ranges, miniature golf courses and chip and putt golf courses. As used herein, a full-size golf course shall be defined to consist of a minimum of eighteen (18) holes in length with an area of not less than one hundred twenty-five (125) contiguous acres. A single-family cluster development coupled with a golf course may be permitted as a Conditional Use. (Ordinance 157, February 20, 1995, Section 3)

Section 202. A-R-1 Uses Permitted by Right. Land and buildings in an A-R-1 District may be used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling located on a Farm.

(b) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 60614 of this Ordinance.

(c) Agricultural Use, conducted on a Farm, subject to:

(1) The minimum size of a Farm shall be forty (40) acres.

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

(3) No Farm or any other out Building other than a Dwelling shall be constructed closer than seventy-five feet (75') feet to any property line.

(4) No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.

(5) No Structure designated for the cultivation of mushrooms or for the raising of pigs or poultry shall be located within two hundred feet (200') of any property line.

(6) The storage of spent mushroom compost is prohibited.

(d) Display and sale of Farm products, provided that:

(1) The sales value of products produced on the property on which Farm products are sold and offered for sale shall comprise at least fifty percent (50%) of the total sales value of all products offered for sale on that property.

14 Section 506 of this Chapter.
(2) The off-street parking regulations for a Farm stand are met.

(3) The sale of Farm products shall be conducted within a Structure or from a stand which shall be no closer than fifty feet (50') from any Street Right-of-Way line.

(e) Processing of Farm products, where such Use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

(f) Woodland or game preserve, wildlife sanctuary or similar conservation Use.

(g) Golf Courses (except driving ranges, chip and putt courses and miniature golf courses) provided that:

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

(2) All other area, Yard and height regulations of this district shall apply.

(3) (i) A standard restaurant, food stand or clubhouse will be permitted as a clearly Accessory Use.

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

a) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.

b) A cafeteria-type operation where foods, frozen desserts or beverages are consumed within the restaurant Building.

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

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

(5) Unlighted practice fairway and unlighted putting green will be permitted as a clearly Accessory Use.
At the landing area (150 to 250 yards from the tee), the centerline of fairways shall be a minimum of one hundred-fifty feet (150') from lot lines and street cartway lines. The centerline of tee areas shall be a minimum of seventy-five feet (75') from lot lines and street cartway lines. The Township Supervisors may allow the centerlines of fairways and tees to be lesser distances from lot lines and street cartway lines provided that the developer proposes compensating measures, such as landscaping, screening, buffers and barriers, which are deemed acceptable by the Township Supervisors.

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

(Ordinance 157, February 20, 1995, Section 3)

Section 203. A-R-1 Uses Permitted by Special Exception. The following Uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 80415 of this Ordinance.

(a) Home Occupation, subject to Home Occupation Regulations, Section 62316 of this Ordinance.

(b) Single-Family Detached Dwellings, provided that:

(1) Public or community sewer and water facilities shall be provided.

(2) The minimum size parcel which may be developed for Single-Family Detached Dwellings shall be forty (40) acres.

(3) The minimum Lot Size shall be one (1) acre, the minimum Lot Width at the Street Line shall be one hundred feet (100'), the minimum Lot Width at the Building Setback Line shall be one hundred fifty feet (150'), the minimum Rear Yard shall be thirty feet (30'), the minimum Building Setback Line shall be fifty feet (50'), each Side Yard shall be a minimum of twenty feet (20') wide, the maximum Building Height shall be thirty-five feet (35'), and the maximum Lot area covered by Buildings shall be fifteen percent (15%).

Section 204. A-R-1 Uses Permitted by Condition. The following Use is permitted as a Conditional Use upon approval by the Township Board of Supervisors.

(a) Single-Family Cluster Development coupled with a golf course, subject to:

(1) Public or community sanitary sewer and water facilities shall be provided.

(2) The minimum size parcel which may be developed for Single-Family Detached Cluster Development coupled with a golf course shall be fifty (50) acres. The minimum Lot Size shall be one (1) acre, the minimum Lot Width at the Street Line shall be one hundred feet (100'), the minimum Lot Width at the Building Setback Line shall be one hundred fifty feet (150'), the minimum Rear Yard shall be thirty feet (30'), the minimum Building Setback Line shall be fifty feet (50'), each Side Yard shall be a minimum of twenty feet (20') wide, the maximum Building Height shall be thirty-five feet (35'), and the maximum Lot area covered by Buildings shall be fifteen percent (15%).
course shall be one hundred fifty (150) acres, with a minimum of seventy-five (75) acres in Lower Heidelberg Township.

(3) The Developer shall create attractive and useful open space, preserve desirable natural features; provide attractive and practical designs in Lot layout, street alignment and Building orientation; and provide landscaping of Lots and open spaces significantly above the minimum required in the Township's Subdivision and Land Development Ordinance\(^{17}\); provided that a golf course which meets the criteria and standards found in Section 202(g) of this Chapter shall meet the definition of useful open space for purposes of this subsection.

(4) The density of the development in Lower Heidelberg Township shall not exceed eight-tenths (0.8) Dwelling unit per acre. In determining the density, land included within existing Street rights-of-way shall be excluded.

(5) The minimum Lot Size shall be fourteen thousand (14,000) square feet; the minimum Lot Width at the Street Line shall be fifty feet (50'); the minimum Lot Width at the Building Setback Line shall be eighty feet (80'); the minimum Front Yard shall be thirty feet (30'); the minimum Rear Yard shall be thirty feet (30'); the minimum Side Yard shall be ten feet (10'); the maximum Building Height shall be thirty-five feet (35'); and the maximum Lot area covered by Buildings shall be thirty percent (30%).

(6) The development shall comply with all requirements of the Township's Subdivision and Land Development Ordinance\(^{18}\) and all other applicable requirements of this Ordinance and other Township Ordinances.

(7) The parcel of land to be developed shall be in one (1) ownership.

(8) For each Lot less than one (1) acre in area, the difference between the Lot Area and one (1) acre shall be designated as permanent open space which shall include the land designated for golf course purposes. No development shall be permitted in the future in an area designated as golf course and/or open space and the same shall be indicated on the subdivision plan and in any deeds conveying any interest in said golf course and/or open space. Arrangements shall be made for the perpetual reservation of the land designated as golf course and/or open space as open space, which are subject to approval by the Township.

All open space areas, including the land designated golf course, shall always be well maintained and landscaped in a condition such that it is usable for passive and/or active recreation. Arrangements for such perpetual maintenance shall be submitted to the Township and are subject to approval by the Township.

In the event of dedication of open space to a homeowners association, there shall be adequate provisions for perpetual maintenance of the open space by inclusion of covenants running with the land in the deeds obligating the purchasers to participate. The

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\(^{17}\) Chapter XXVI of this Code.

\(^{18}\) Chapter XXVI of the Code.
proper operation and maintenance of all open spaces and community facilities shall be secured by an appropriate organization with legal responsibility for the same. If the Dwellings are sold, the organization may be a condominium, cooperative, a homes association, trust or other appropriate nonprofit organization of the Dwelling unit owners, organized in a manner found by the Township to be legally effective and able to carry out its maintenance and operating responsibilities. It is the intention of this Ordinance to authorize the remedies provided in Section 705(f) of the Pennsylvania Municipalities Planning Code, and the same are hereby incorporated by reference.

(9) The subdivision plan for each development shall be accompanied by a liberal and functional landscaping plan prepared by a registered landscape architect. In particular:

(i) Shade trees shall be provided along roads as required by Township’s Subdivision and Land Development Ordinance.

(ii) The landscaping plan shall provide for plantings on each Lot.

(iii) Approaches to common Buildings, areas adjacent to common Buildings and parking facilities for common Buildings shall be provided with trees and attractive shrubbery.

(iv) Natural features such as streams and wooded areas shall be preserved and incorporated into the design of the development.

(v) Open spaces shall be provided with trees and attractive shrubbery, except where the plantings would affect the use of active recreation facilities or the Township determines that adequate existing vegetation will be preserved.

(10) The golf course shall comply with the requirements of Section 202(g) of this Chapter.

(11) All Streets shall remain private in perpetuity. This shall be noted on the subdivision plan. Arrangements shall be made for the perpetual private ownership and maintenance of the Streets and are subject to approval by the Township.

(12) The Applicant shall submit a traffic study analyzing the impact of the development on roads within the Township and provide additional right-of-way and cartway widths and intersection improvements as demonstrated to be necessary by the study. The study limits and methodology are subject to approval by the Township.

(13) If a tract contains DfA, DfB2, DfC2, DfC3, MuA, HaB2, or HaC2 soils, the Applicant shall submit a Carbonate Assessment Report which shall indicate the presence of any carbonate features (including sinkholes), a description of the existing characteristics of the property, proposed site disturbances and construction, and proposed measures to control potential adverse impacts. The Report shall be prepared by a geotechnical engineer or geologist.

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19 Chapter XXVI of the Code.
(14) A trail system shall be provided along all streams on the tract, unless the trails are determined to be unnecessary by the Township.

(Ordinance 157, February 20, 1995, Section 3)

Section 205. A-R-1 Conditional Use Procedures.

(a) Application. Four (4) copies of an application for permission to conduct a Use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

(b) Review. After receiving an application, the Township Supervisors shall refer the application to the Township Planning Commission for its review and report concerning compliance with this Ordinance. The application shall be reviewed at a regular advertised meeting of the Township Supervisors, and the Supervisors shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Township Secretary.

(c) Standards. The conditional use permitted in Section 205(d) of this Chapter shall meet the following specific standards and all other applicable zoning district requirements and General Regulations established by this Ordinance:

(1) The conditional use shall be one which is specifically authorized by Section 205(d) of this Chapter.

(2) Public services and utilities, if available, shall be adequate to service the proposed Use.

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

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

(5) The Use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

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

In allowing a Conditional Use, the Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

(Ordinance 157, February 20, 1995, Section 3)
Section 206. A-R-1 Area, Yard and Height Regulations.

Maximum Permitted

Building Height
Barns, Silos and other Agricultural Buildings None
All Other Buildings 35 Feet
Lot Area Covered by Buildings 5 Percent
Paved Area 5 Percent

Minimum Requirements

Lot Size 40 Acres
Building Setback Line 60 Feet
Rear Yard 40 Feet
Side Yard Total
One Side 80 Feet

(Ordinance 157, February 20, 1995, Section 3)

Section 207. A-R-1 General Regulations. The following general regulations found in this Ordinance shall apply to the A-R-1 District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
</tr>
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<tbody>
<tr>
<td>602</td>
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(Ordinance 157, February 20, 1995, Section 3)
Section 225. C-1 Mixed Commercial District. (Ordinance 54, November 19, 1973, Section 570)

Section 226. C-1 Specific Intent. It is the purpose of this district to permit smaller commercial establishments and several types of Dwellings to locate in an area which at the present time contains a mixture of residential and commercial Uses. The types of commercial Uses which may locate therein are limited and performance standards are applied to provide sufficient protection for residential properties. Off-street parking requirements for commercial Uses must be adhered to. (Ordinance 54, November 19, 1973, Section 571)

Section 227. C-1 Uses Permitted By Right. Land and Buildings in a C-1 district shall be Used for the following purposes and no others:

(a) Single-Family Detached Dwelling.
(b) Single-Family Semi-Detached Dwelling.
(c) Two-Family Detached Dwelling.
(d) Municipal Use.
(e) Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
(f) Playground or similar non-commercial Recreation Area owned and operated by a public or private non-profit agency.
(g) Retail business establishment for the sale of goods such as, but not limited to, appliances, clothing, drugs, food, furniture, hardware, personal and household supplies, liquor, newspapers, stationery and tobacco.
(h) Personal and household service establishments such as, but not limited to barber shops, beauty shops, restaurants, taverns, laundry and dry cleaning shops.
(i) Business, Professional or governmental office or studio.
(j) Banks and fiduciary institutions.
(k) Shops for the repair of goods permitted by number 7 above.
(l) Accessory Buildings and Uses customarily incidental to the above Uses when on the same Lot.

(Ordinance 54, November 19, 1973, Section 572)

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Section 523 of this Chapter.

Subsection 227(g) of this Chapter.
### Section 228. C-1 Area, Yard and Height Regulations

<table>
<thead>
<tr>
<th></th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Commercial, Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
<th>Commercial Establishment</th>
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<tbody>
<tr>
<td><strong>Maximum Permitted</strong></td>
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<td>Building Height</td>
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<td>40 Percent</td>
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<tr>
<td>Buildings</td>
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<tr>
<td><strong>Minimum Requirements</strong></td>
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<tr>
<td>Lot Size</td>
<td>1 acre per Use</td>
<td>20,000 sq. ft. per Use</td>
<td>10,000 sq. ft. per Dwelling Unit</td>
<td>6,000 sq. ft. per Dwelling Unit</td>
<td>15,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>Building Setback Line</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
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<td>30 Feet</td>
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<tr>
<td>Lot Width At Street Line</td>
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<tr>
<td>At Street Line</td>
<td>60 Feet</td>
<td>35 Feet per Dwelling Unit</td>
<td>75 Feet</td>
<td>100 Feet</td>
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<td></td>
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<tr>
<td>At Building Setback Line</td>
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XXXI-34
<table>
<thead>
<tr>
<th>Use Type</th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
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<tr>
<td>Single-Family Detached and Non-residential Uses</td>
<td>100 Feet</td>
<td>100 Feet</td>
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<tr>
<td>At Street Line</td>
<td>100 Feet</td>
<td>100 Feet</td>
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<tr>
<td>At Building Setback Line</td>
<td>100 Feet</td>
<td>100 Feet</td>
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<tr>
<td>Single-Family Semi-Detached</td>
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<td></td>
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<tr>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet per Dwelling Unit</td>
</tr>
<tr>
<td>At Building Setback Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet per Dwelling Unit</td>
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<tr>
<td>Two-Family Detached</td>
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<tr>
<td>At Street Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>At Building Setback Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
</tr>
</tbody>
</table>

XXXI-35
<table>
<thead>
<tr>
<th>Commercial Establishment</th>
<th>Single-Family On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Detached and Non-Commercial, Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
<th>Commercial Establishment</th>
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</thead>
<tbody>
<tr>
<td>At Street Line</td>
<td>100 Feet</td>
<td>100 Feet</td>
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<td>At Building Setback Line</td>
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<tr>
<td>Rear Yard</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>25 Feet</td>
<td>25 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
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<tr>
<td>Side Yard</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>25 Feet</td>
<td>25 Feet</td>
<td>30 Feet</td>
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<tr>
<td>Total</td>
<td>40 Feet</td>
<td>24 Feet</td>
<td>20 Feet</td>
<td>16 Feet</td>
<td>24 Feet</td>
<td>18 Feet</td>
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<tr>
<td>One Side</td>
<td>20 Feet</td>
<td>12 Feet</td>
<td>10 Feet</td>
<td>8 Feet</td>
<td>12 Feet</td>
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<tr>
<td>Distance Between Highway Access Points</td>
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<td>75 Feet</td>
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(Ordinance 54, November 19, 1973, Section 573)
Section 229. C-1 Performance Standards.

(a) No potentially dangerous effluent from operations shall be discharged.

(b) No waste materials shall be stored on the Lot.

(c) No heat or glare shall be produced which is perceptible at or beyond the Lot boundaries.

(d) No goods shall be displayed or sold in an open area.

(e) No offensive odors shall be perceptible at Lot boundaries.

(f) No Sign advertising a Use not conducted or goods not sold on the Premises shall be permitted.

(g) No Free-Standing Signs shall be permitted.

(h) The total area on one (1) side of any Sign placed on or facing on any one Street Frontage of any one Premises shall not exceed twenty-five (25) square feet.

(i) No part of any Sign shall be located within fifteen feet (15') of the Front Lot Line, except Signs attached to Buildings.

(j) No more than two (2) separate Signs shall face any one (1) Street Frontage on any one (1) Premises.

(k) No Sign facing shall be readable from the rear of any property when the rear of that property abuts a residential district, nor shall any Sign facing be readable from the side of any property when the side of that property abuts a residential district.

(l) Subsection 1 ("General") of Section 61122 of this Ordinance shall apply to the C-1 district.

(m) Signs listed in Subsection 2 ("Signs Permitted in Residential Districts") of Section 61123 of this Ordinance are permitted in the C-1 district, subject to the restrictions listed within Subsection 2 of Section 61124.

(Ordinance 54, November 19, 1973, Section 574, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 230. C-1 General Regulations. The following general regulations found in this Ordinance shall apply to the C-1 district:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
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<tbody>
<tr>
<td>602</td>
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<td>603</td>
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<td>604</td>
<td>504</td>
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<td>605</td>
<td>505</td>
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</tbody>
</table>

22 Section 511(a) of this Chapter.

23 Section 511(b) of this Chapter.

24 Section 511(b) of this Chapter.
(Ordinance 54, November 19, 1973, Section 575)
Section 250. C-2 General Commercial District. (Ordinance 54, November 19, 1973, Section 580)

Section 251. C-2 Specific Intent. It is the purpose of this district to accommodate commercial activities which are principally based on automobile use and traffic as well as to accommodate commercial facilities which provide goods and services to nearby residential neighborhoods. (Ordinance 54, November 19, 1973, Section 581)

Section 252. C-2 Uses Permitted By Right. Land and Buildings in a C-2 district may be used for the following purposes and no others, unless a special exception is granted:

(a) Retail business establishments for the sale of goods such as, but not limited to: appliances, clothing, drugs, food, furniture, hardware, household supplies, jewelry, liquor, newspapers, stationery and tobacco.

(b) Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishments.

(c) Personal or household service establishments such as, but not limited to: barber shops, beauty shops, restaurants, taverns and laundry and dry cleaning shops, self-service and non-self-service.

(d) Professional, business or governmental office or studio.

(e) Banks and fiduciary institutions.

(f) Municipal Use.

(g) Place of worship.

(h) Club or lodge for fraternal or social purposes.

(i) Motor Vehicle Service Station subject to:

(1) Fuel pumps shall be at least twenty feet (20’) from any Right-of-Way line.

(2) All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed Building.

(3) All automobile parts, dismantled vehicles and similar articles shall be stored within a Building.

(j) Car Washing Facility, subject to:

(1) No Structure shall be located less than forty feet (40’) from any Lot Line.

(2) An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars.

(k) Repair garage facility, subject to:

(1) No Building shall be closer than twenty-five feet (25’) to any Lot Line.
(2) All repair activities shall be performed within a completely enclosed Building.

(3) All outdoor storage of dismantled vehicles, automobile parts and similar items shall be adequately screened from view by a fence constructed of such material and in such a manner that the outdoor storage of materials is not visible from adjoining properties.

(1) Motor vehicle or vehicular Dwelling sales agency.

(m) Hotel or motel, provided the minimum Lot Size, in all cases is eighty thousand (80,000) square feet.

(n) Distributing or trucking establishment.

(o) Funeral home.

(p) Indoor or outdoor place of amusement or recreation.

(q) Lumber and Building materials supply establishment.

(r) Wholesaling establishment.

(s) Commercial greenhouse or nursery.

(t) Accessory Buildings and Uses customarily incidental to the above permitted Uses when on the same Lot.

(26) 'Home-based business' (Ordinance No. 54, November 19, 1973, Section 582)

Section 253. C-2 Uses Permitted By Special Exception. The following Uses are permitted after a Special Exception is granted by the Zoning Hearing Board. The standards to be used in determining whether a special exception should be granted are found in Section 80425 of this Ordinance.

(a) Any Use of the same general character as any of the above permitted Uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.

(b) Adult Entertainment

(Ordinance No. 54, November 19, 1973, Section 583)

Section 254. C-2 Area, Yard and Height Requirements. (except as noted in Section 58226)

Maximum Permitted

<table>
<thead>
<tr>
<th>Building Height</th>
<th>35 feet</th>
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<tbody>
<tr>
<td>Lot Coverage</td>
<td>40 percent</td>
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</tbody>
</table>

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25 Section 604 of this Chapter.

26 Section 252 of this Chapter.
Minimum Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>Lot Size</td>
<td>Lot Width (Construction Site)</td>
<td>Rear Yard</td>
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<tr>
<td></td>
<td>at Street Line</td>
<td></td>
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<tr>
<td></td>
<td>at Building Setback Line</td>
<td>30 feet</td>
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<tr>
<td></td>
<td>Lot Width (Construction Site)</td>
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<td></td>
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<td>Rear Yard</td>
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<td>30 feet</td>
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<td>Side Yard</td>
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<td>Rear Yard</td>
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<td>75 feet</td>
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<td>Side Yard</td>
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<td>Rear Yard</td>
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<td>Rear Yard</td>
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<td>40 feet</td>
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(Ordinance 54, November 19, 1973, Section 584)

Section 255. C-2 Special Procedural Requirements.

(a) More than one (1) Structure housing a permitted or permissible Principal Use may be erected on a single Lot provided that the minimum distance between these Structures shall be twenty feet (20'). More than one (1) Principal Use may be located within a single Building, as in the case of a shopping center.

(b) When more than one (1) Structure housing a Principal Use is to be erected on a single Lot or more than one (1) Principal Use is to be located within a single Building, a Plan of the development must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors. This Plan shall include:

(1) The location, boundaries, dimensions and ownership of the land to be included within the development.

(2) The location, dimensions, arrangements and proposed Use of all Buildings, Open Spaces, Yards, accessways, entrances, exists, off-Street parking facilities, loading and unloading facilities, buffer areas and Screening devices.

(3) A description of the provisions made for sewage and waste disposal, water supply and storm water drainage.

(4) Sufficient data to enable the Township to judge the effectiveness of the design and the character of the proposed Use, its compliance with the requirements of this Ordinance, and to consider properly such things as its relationship to surrounding areas, anticipated traffic, and the public health, safety and welfare.

(Ordinance 54, November 19, 1973, Section 585)
Section 256. C-2 Performance Standards.

(a) No potentially dangerous effluent from operations shall be discharged.

(b) If there is more than one (1) Principal Building constructed on a Lot, the proposed development shall be designed as part of a single architectural and landscaping scheme.

(c) When the side and/or Rear Yard of a commercial Lot adjoins a residential, rural or agricultural district, a fifteen feet (15') wide Buffer Strip suitably landscaped to provide a Screen, and in which no parking or Structures shall be permitted, shall be provided in the side and/or Rear Yard adjoining a residential, rural or agricultural district.

(Ordinance 54, November 19, 1973, Section 586, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 257. C-2 General Regulations. The following general regulations found in this Ordinance shall apply to the C-2 District:

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(Ordinance 54, November 19, 1973, Section 587)
Section 275. I-1 General Industrial District. (Ordinance 54, November 19, 1973, Section 596, as amended by Ordinance 95, February 16, 1987, Section 1)

Section 276. I-1 Specific Intent. It is the purpose of this District to provide an area in which a variety of industrial Uses may be conducted, provided that they will not adversely affect the public health, safety or general welfare of the residents or inhabitants of the Township. (Ordinance 54, November 19, 1973, Section 596.1, as amended by Ordinance 95, February 16, 1987, Section 1)

Section 277. I-1 Uses Permitted By Right. Land and Buildings in a I-1 District may be Used for the following purposes and no others:

(a) Office Buildings.

(b) Wholesaling and warehousing activities, provided that the activities shall be carried on within a Building.

(c) Printing and publishing activities.

(d) Research activities.

(e) Testing, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, provided that all such activities shall be carried on within a Building.

(f) Accessory Uses and Structures to the above permitted Uses when on the same Lot as the permitted Use and customarily incidental to such Use.

(g) No-impact home-based business

(Ordinance 54, November 19, 1973, Section 596.2, as amended by Ordinance 95, February 16, 1987, Section 1)

Section 278. I-1 Uses Permitted By Condition. The following use is permitted as a Conditional Use in the I-1 General Industrial District upon approval by the Township Board of Supervisors:

(a) Communication Tower, subject to:

(1) All communication towers shall be monopole construction.

(2) All towers must meet American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Township. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements and certify proper construction of the foundation and erection of the tower.

(3) The maximum height of a communication tower shall be one hundred fifty feet (150').

(4) There shall be no inhabited structures or overhead electrical transmission lines within a two hundred foot (200') foot radius of the tower.

(5) The tower shall be located a distance equal to the height of the tower from the nearest property line.

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(6) The tower shall be lighted to prevent interference with air traffic and shall comply with the Township's Airport Zoning Ordinance.

(7) The Board of Supervisors shall be assured that all health, safety, and welfare issues have been properly addressed.

(8) The owners of the communication tower shall secure the tower base, including any support structures, with a chain link fence which shall be ten feet (10') in height. In addition to boundary security, all communication towers shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping shall be provided around all fences to screen them from public views and adjoining properties.

(9) All communication tower owners shall provide the Township with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all Federal Communications Commission regulations.

(10) If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.

(11) The owner of any communication tower shall be required to routinely submit to the Township, proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

(12) The communication tower owner is required to notify the Township immediately upon cessation or abandonment of the operation. The communication tower owner has ninety (90) days in which to dismantle and remove all structures from the property.

(13) No communication tower shall be allowed within one and one-half (1-1/2) miles of another tower.

(14) If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell should be established.

(15) In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.

(Ordinance 168, January 20, 1997, Section 3)
Section 279. I-1 Conditional Use Procedure.

(a) Application. Four (4) copies of an application for authorization to conduct a Use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

(b) Review. After receiving an application, the Supervisors shall refer the application to the Township Planning Commission for its recommendations. The application shall be reviewed at a regularly advertised meeting of the Township Supervisors, and the Supervisors shall either approve or disapprove the application within one hundred twenty (120) days after the date the application is received by the Township Secretary.

(c) Standards. Conditional Uses shall meet the specific standards established for each Use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

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. Public services and utilities, if available, shall be adequate to service the proposed Use.

3. The Use will not generate traffic such that hazardous or unduly congested conditions will result.

4. The Use is appropriate to the site in question.

5. The Use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood."

(Ordinance 168, January 20, 1997, Section 3)

Section 280. I-1 Area, Yard and Height Requirements.

Maximum Permitted (Subject to Minimum Requirements)

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Building Height</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Lot Area Covered by Building</td>
<td>35 Percent</td>
</tr>
<tr>
<td>Areas Paved by Concrete or Asphalt</td>
<td>50 Percent</td>
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</tbody>
</table>

Minimum Requirements

<table>
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<tr>
<th>Description</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Lot Size</td>
<td>2 Acres</td>
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<tr>
<td>Lot Width</td>
<td></td>
</tr>
<tr>
<td>At Street Line</td>
<td>200 Feet</td>
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<tr>
<td>At Building Setback Line</td>
<td>200 Feet</td>
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<tr>
<td>Building Setback</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Improvement Setback</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Distance Between Highway Access Points</td>
<td>75 Feet</td>
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</tbody>
</table>
When the side and/or Rear Yard of a Lot in this district adjoins land zoned other than C-2 or I-1, a twenty feet (20') Buffer Strip landscaped to provide a Screen in accordance with Section 609\(^2\) of this Ordinance, and in which no paved areas or Structures are permitted, shall be provided within the side and/or Rear Yard and within fifteen feet (15') of the adjoining land not zoned C-2 or I-1. (Ordinance 54, November 15, 1973, Section 596.3, as amended by Ordinance 95, February 16, 1987, Section 1)

Section 281. I-1 Environmental Performance Standards for I-1 Districts. The landowner shall at his own expense comply with the following standards:

(a) Air Management:

(1) Open burning is not permitted, except for existing nonconforming agricultural Uses.

(2) No gases, vapors or particles which cause harm to persons, property, animals or vegetation shall be emitted beyond the Lot Lines of the Lot on which such gases, vapors or particles originate.

(3) No noxious odors or toxic or hazardous substances shall be emitted, leached, deposited or detectable beyond the Lot Lines of the Lot on which such odors or substances originate.

(4) No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.

(5) The regulations of the Pennsylvania Department of Environmental Resources shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants and Ambient Air Quality Sources.

(b) Waste Water and Sanitary Sewage Management

(1) On-site treated effluent shall meet the standards established by the Lower Heidelberg Township Authority and/or Lower Heidelberg Township and/or the Department of Environmental Resources. If public sewage collection is accessible, the same shall be Used.

(2) In no case shall potentially dangerous, dangerous or contaminating effluent or liquid waste from plant operations be discharged into the ground or into a watercourse. Same shall be disposed in and/or treated by governmentally approved facilities by

\(^{27}\) Section 509 of this Chapter.
the level of government or agency having jurisdiction. Where joint
jurisdiction exists the more restrictive law or regulations shall
apply.

(c) Solid Waste Management

(1) No permanent storage or disposal of solid waste material
on the Lot shall be permitted. All waste materials awaiting
transport shall be concealed from view from all adjacent properties
and Streets.

(2) No permanent storage or disposal of radioactive, toxic
or hazardous waste shall be permitted. Such waste shall be removed
in accordance with all applicable Federal and State standards.

(d) Noise and Vibration

(1) Noise limits at Lot Lines shall be as follows:

<table>
<thead>
<tr>
<th>At Lot Line adjacent to land zoned other than industrial or commercial</th>
<th>Between 10 P.M. and 7 A.M.</th>
<th>Between 7 A.M. and 10 P.M.</th>
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<tbody>
<tr>
<td>90% of time must be less than: Maximum:</td>
<td>60</td>
<td>65</td>
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<tr>
<td>90% of time must be less than: Maximum:</td>
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(2) No physical vibration shall be perceptible by human
observers (excepting that detectable only by delicate measuring
instruments) through solid matter on, in or attached to the ground
beyond the Lot Lines.

(e) Lighting and Heat

(1) Lighting shall be in accordance with Section 610 of this Ordinance.

(2) Any operation producing heat shall be conducted in such
a manner as to prevent an increase in ambient air temperature beyond
the Lot Lines of the Lot on which the operation is located.

(f) Ground Water Supplies. No Use shall endanger ground water
levels and quality in the area of the Use, nor adversely affect ground
water supplies of nearby properties. A hydrologic study which shall
indicate no adverse impact of the Use on ground water supplies and quality
in the area of the Use shall be submitted to the Township for approval as
a condition to obtaining a Building and zoning permit.

(g) Electromagnetic. All electromagnetic radiation shall comply
with the regulations of the Federal Communication Commission.
Electromagnetic radiation which interferes with radio or television
reception or the operation of other equipment beyond the Lot Lines shall

---
28 Section 510 of this Chapter.

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not be produced or permitted. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall comply with Federal and State Standards.

(h) **Outdoor Storage**

(1) All outdoor storage of materials or products shall be screened from view from all adjacent properties and streets.

(2) Waste materials awaiting transport shall be kept in enclosed containers.

(i) **Carcinogenic Substances.** No carcinogenic substances shall be released into the air, ground or water.

(j) **PennDER Requirements.** All regulations of the Pennsylvania Department of Environmental Resources shall be complied with.

(Ordinance 54, November 19, 1973, Section 596.4, as amended by Ordinance 95, February 16, 1987, Section 1)

**Section 282. Process Information To Be Submitted To Township For Review.** In addition to all other information required by this Ordinance, the following information shall be submitted with all applications for Building permits:

(a) A list of all hazardous materials which will be stored or used on the premises.

(b) A plan for containing on the premises all such materials during emergencies such as leakage, spills or flooding.

(c) An Environmental Assessment Statement containing the following information:

(1) **Description of the Proposal.** Describe the proposed activity, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects, including information and technical data sufficient to permit assessment of environmental impact by Township or its consultants.

(2) **Description of the Environment.** Include a comprehensive description of the existing environment without the activity and the probable future environment with the activity. This description should focus both on the environmental details most likely to be affected by the activity and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past and present use of the site as a repository for toxic or hazardous waste.

(3) **The Environmental Impact of the Proposed Activity.** Describe the environmental impacts of the proposed activity. These impacts are defined as direct or indirect changes in the existing environment, both beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussions for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.
(4) **Mitigating Measures Included in the Proposed Activity.** Include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect or mitigate impacts upon the environment, including any associated research or monitoring.

(5) **Any Adverse Effects Which Cannot Be Avoided Should the Activity Be Implemented.** Include a discussion of the unavoidable adverse impacts described in c. and d.\(^2\) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

(6) **The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.** Discuss the local short-term use of the environment involved in the proposed activity in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar activities which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed activity.

(7) **Any Irreversible and Irretrievable Commitments of Resources Which Would Be Involved in the Proposed Activity Should It Be Implemented.** Discuss and quantify, where possible, any irrevocable uses or resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat and significant changes in land use.

(8) **Alternative to the Proposed Activity.** Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

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**Section 283.I-1 General Regulations.** The following general regulations found in this Ordinance shall apply to the I-1 District:

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\(^2\)Subsections 280(c)(3) and (4) of this Chapter
(Ordinance 54, November 19, 1973, Section 596.6, as amended by Ordinance 95, February 16, 1987, Section 1)
(f) Processing of Farm products, where such Use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

(g) Woodland or game preserve, wildlife sanctuary or similar conservation Use.

(Ordinance 54, November 19, 1973, Section 512)

Section 303. R-1 Uses Permitted By Special Exception. The following Uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

(a) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency, subject to:

(1) The minimum Lot Size shall be three (3) acres.

(2) The maximum paved area shall be ten percent (10%).

(3) No Building shall be closer than seventy-five feet (75’) to any property line.

(b) Municipal Use.

(c) Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

(Ordinance 54, November 19, 1973, Section 513)

Section 304. R-1 Uses Permitted by Condition. The following Use is permitted as a Conditional Use in the R-1 Rural Conservation District upon approval by the Township Board of Supervisors:

(a) Communication Tower, subject to:

(1) All communication towers shall be monopole construction.

(2) All towers must meet American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Township. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower’s ability to meet these requirements and certify proper construction of the foundation and erection of the tower.

(3) The maximum height of a communication tower shall be one hundred fifty feet (150’).

(4) There shall be no inhabited structures or overhead electrical transmission lines within a two hundred foot (200’) radius of the tower.

32 Section 604 of this Chapter.

33 Section 523 of this Chapter.

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(5) The tower shall be located a distance equal to the height of the tower from the nearest property line.

(6) The tower shall be lighted to prevent interference with air traffic and shall comply with the Township's Airport Zoning Ordinance.

(7) The Board of Supervisors shall be assured that all health, safety and welfare issues have been properly addressed.

(8) The owners of the communication tower shall secure the tower base, including any support structures, with a chain link fence which shall be ten feet (10') in height. In addition to boundary security, all communication towers shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping shall be provided around all fences to screen them from public views and adjoining properties.

(9) All communication tower owners shall provide the Township with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all Federal Communications Commission regulations.

(10) If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable, to abandon the operation entirely.

(11) The owner of any communication tower shall be required to routinely submit to the Township proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

(12) The communication tower owner is required to notify the Township immediately upon cessation or abandonment of the operation. The communication tower owner has ninety (90) days in which to dismantle and remove all structures from the property.

(13) No communication tower shall be allowed within one and one-half (1-1/2) miles of another tower.

(14) If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell should be established.

(15) In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.

(Ordinance 168, January 20, 1997, Section 5)
Section 325. R-2 Rural Residential District. (Ordinance 54, November 19, 1973, Section 520)

Section 326. R-2 Specific Intent. It is the purpose of this district to provide areas for low density residential development and for limited non-residential Uses. Lots will be of sufficient size to provide for both on-site sewage disposal and water supply. (Ordinance 54, November 19, 1973, Section 521)

Section 327. R-2 Uses Permitted By Right. Land and Buildings in an R-2 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwellings.

(b) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.

(c) Woodland or game preserve, wildlife sanctuary or similar conservation purpose.

(d) Municipal Use.

(Ordinance 54, November 19, 1973, Section 522)

Section 328. R-2 Uses Permitted By Special Exception. The following Uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

(a) School licensed or regulated by the Pennsylvania Department of Public Instruction, subject to:

(1) The minimum Lot Size shall be three (3) acres.

(2) The minimum front, rear and Side Yards shall be sixty feet (60').

(b) Place of Worship, subject to:

(1) The minimum Lot Size shall be three (3) acres.

(2) The minimum front, rear and Side Yards shall be sixty feet (60').

(c) Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

(Ordinance 54, November 19, 1973, Section 523)

35 Section 506 of this Chapter.

36 Section 604 of this Chapter.

37 Section 523 of this Chapter.
Section 329. R-2 Area, Yard and Height Regulations. (Except as noted in Section 523)  

Maximum Permitted

Building Height
Lot Area Covered by Buildings

Minimum Requirements

Lot Size
Lot Width
at Street Line
at Building Setback Line
Rear Yard
Building Setback Line or Minor Collector
or Local Access Road
on Major Collector or Arterial Highway
Side Yard
Total
One Side

(Ordinance 54, November 19, 1973, Section 524)

Section 330. R-2 General Regulations. The following general regulations found in this Ordinance shall apply to the R-2 District:

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<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
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(Ordinance 54, November 19, 1973, Section 525)

38 Section 328 of this Chapter.
Section 350. R-4 Suburban Residential District. (Ordinance 54, November 19, 1973, Section 540)

Section 351. R-4 Specific Intent. It is the purpose of this district to maintain existing residential areas and to permit expansion of these areas at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced Lot Sizes and Planned Developments when these facilities are provided. (Ordinance 54, November 19, 1973, Section 541)

Section 352. R-4 Uses Permitted By Right. Land and Buildings in an R-4 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling.
(b) Single-Family Semi-Detached Dwelling.
(c) Two-Family Detached Dwelling.
(d) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.
(e) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency.
(f) Municipal Use.
(g) Planned Development, subject to the regulations of Section 604 of this Ordinance.

Section 353. R-4 Uses Permitted By Special Exception. The following Uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

(a) Place of Worship, subject to:
   (1) The minimum Lot Size shall be three (3) acres.
   (2) The minimum front, rear and Side Yards shall be sixty feet (60').

(b) School licensed or regulated by Pennsylvania Department of Public Instruction, subject to:
   (1) The minimum Lot Size shall be three (3) acres.
   (2) The minimum front, rear and Side Yards shall be sixty feet (60').

39 Section 504 of this Chapter.
40 Section 528 of this Chapter.
41 Section 604 of this Chapter.
(c) Home Occupation, subject to Home Occupation Regulations, Section 623\(^{42}\) of this Ordinance.

(Ordinance 54, November 19, 1973, Section 543)

Section 354. R-4 Area, Yard and Height Regulations. See table on next page. (Ordinance 54, November 19, 1973, Section 544)

Section 355. R-4 General Regulations. The following general regulations found in this Ordinance shall apply to the R-4 District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>602</td>
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<td>628</td>
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</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 545)

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\(^{42}\) Section 523 of this Chapter.
Section 354. R-4 Area, Yard and Height Regulations
(Except as noted in Section 54343)

With Public or Community Sewage Disposal
and Public or Community Water Supply

<table>
<thead>
<tr>
<th></th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Permitted</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Lot Area Covered by Buildings</td>
<td>15 Percent</td>
<td>20 Percent</td>
<td>35 Percent</td>
<td>35 Percent</td>
<td>30 Percent</td>
</tr>
<tr>
<td><strong>Minimum Requirements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>1 acre per Dwelling Unit or Non-Residential Use</td>
<td>20,000 sq. ft. per Dwelling Unit or Non-Residential Use</td>
<td>10,000 sq. ft.</td>
<td>6,000 sq. ft. per Dwelling Unit</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>Building Setback Line</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
</tbody>
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43 Section 353 of this Chapter.
<table>
<thead>
<tr>
<th>Lot Width</th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached</td>
<td>100 Feet</td>
<td>75 Feet</td>
<td>100 Feet per Dwelling Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At Street Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>At Building Setback Line</td>
<td></td>
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<tr>
<td>Single-Family Semi-Detached</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet per Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At Building Setback Line</td>
<td>150 Feet per Dwelling Unit</td>
<td>100 Feet per Dwelling Unit</td>
<td></td>
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<tr>
<td>Two-Family Detached</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td>200 Feet</td>
<td>150 Feet</td>
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<tr>
<td>At Street Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
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<tr>
<td>At Building Setback Line</td>
<td>200 Feet</td>
<td>150 Feet</td>
<td></td>
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</tr>
</tbody>
</table>
(c) Home Occupation, subject to Home Occupation Regulations, Section 62347 of this Ordinance.

(d) Mobile Home Park, subject to:

(1) The minimum area of a Mobile Home Park for which a certificate of Use and occupancy may be issued shall be five (5) acres.

(2) When the Mobile Home Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five (5) Dwelling Units per acre, the minimum area of a Mobile Home Lot shall be six thousand (6,000) square feet, and the minimum Lot Width at the Building set back line shall be thirty feet (30'). Where on-Lot sewage disposal is Used, each Mobile Home shall be placed on a Lot which shall meet the requirements of a Lot for a Single-Family Detached Dwelling when on-Lot sewage disposal is Used. These requirements are found in Section 55448 of this Ordinance. Where a public or community sewage disposal system and an on-Lot water supply is Used, each Mobile Home shall be placed on a Lot which shall meet the requirements of a Lot for a Single-Family Detached Dwelling when a public or community sewage disposal system and an on-Lot water supply is Used. This requirement is found in Section 55449 of this Ordinance.

(3) Not less than ten percent (10%) of the total area of the Mobile Home Park shall be devoted to Recreation Areas for the Use of all residents of the park. Provision shall be made by the owner of the Mobile Home Park for the development, installation, and maintenance of such Recreation Areas.

(4) The minimum allowable distance between any Mobile Home, service or Accessory Building or parking facility and a boundary line of the Mobile Home Park shall be twenty-five feet (25') provided that no Mobile Home may be located closer than fifty feet (50') to any Street located outside the boundary lines of the park. No Mobile Home may be located closer than twenty-five feet (25') to any Street located within the boundary lines of the Mobile Home Park. The minimum allowable distance between any Mobile Home and another Mobile Home, service or Accessory Building or common parking facility shall be thirty feet (30').

(5) Two (2) off-Street Parking Spaces shall be provided for each Mobile Home.

(6) The limits of each Mobile Home Lot shall be clearly marked on the grounds by permanent flush stakes, markers or other suitable means.

(7) An evergreen planting Screen shall be placed along all boundary lines of the Mobile Home Park separating the Mobile Home Park from adjacent properties and/or Streets. The Screen shall be a year-round Screen which shall be maintained permanently. Plant material which does not live shall be replaced within six (6)
Section 375. R-5 Suburban Residential District. (Ordinance 54, November 19, 1973, Section 550)

Section 376. R-5 Specific Intent. It is the purpose of this district to provide an area where residential development may occur at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced Lot Sizes and Planned Developments when these facilities are provided. Mobile Home Parks are permitted by special exception. (Ordinance 54, November 19, 1973, Section 551)

Section 377. R-5 Uses Permitted By Right. Land and Buildings in an R-5 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling.
(b) Single-Family Semi-Detached Dwelling.
(c) Two-Family Detached Dwelling.
(d) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 60644 of this Ordinance.
(e) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency.
(f) Municipal Use.

(g) Planned Development, subject to the regulations of Section 628 of this Ordinance.

(Ordinance 54, November 19, 1973, Section 552)

Section 378. R-5 Uses Permitted By Special Exception. The following Uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

(a) Place of Worship, subject to:
   (1) The minimum Lot Size shall be three (3) acres.
   (2) The minimum front, rear and side Yards shall be sixty feet (60').

(b) School licensed or regulated by Pennsylvania Department of Public Instruction, subject to:
   (1) The minimum Lot Size shall be three (3) acres.
   (2) The minimum front, rear and side Yards shall be sixty feet (60').

(c) Mobile Home Park, subject to:

" Section 506 of this Chapter.
" Section 528 of this Chapter.
" Section 604 of this Chapter.

XXXI-63
With Public or Community Sewage Disposal and Public or Community Water Supply

<table>
<thead>
<tr>
<th></th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
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</thead>
<tbody>
<tr>
<td>At Street Line</td>
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</tr>
<tr>
<td>Rear Yard</td>
<td>30 Feet</td>
<td>60 Feet</td>
<td>35 Feet per Dwelling Unit</td>
<td>75 Feet</td>
</tr>
<tr>
<td>Side Yard Total</td>
<td>40 Feet</td>
<td>80 Feet</td>
<td>40 Feet per Dwelling Unit</td>
<td>100 Feet</td>
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<tr>
<td>One Side</td>
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<td>25 Feet</td>
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(Ordinance 54, November 19, 1973, Section 544)
months. The Screen shall Screen the Structures and Uses on the property on which it is located from the view of people on adjacent properties and/or Streets. The distance between trees shall be such that a full screen will be provided. The permissible distance between plants will vary with the species of planting.

(Ordinance 54, November 19, 1973, Section 553)

Section 379. R-5 Area, Yard and Height Regulations. See table on next page. (Ordinance 54, November 19, 1973, Section 554)

Section 380. R-5 General Regulations. The following general regulations found in this Ordinance shall apply to the R-5 District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
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<tbody>
<tr>
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(Ordinance 54, November 19, 1973, Section 555)
### Section 379.R-5 Area, Yard and Height Regulations

<table>
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<tr>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Permitted</strong></td>
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<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Lot Area Covered by</td>
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<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>15 Percent</td>
<td>20 Percent</td>
<td>35 Percent</td>
<td>30 Percent</td>
</tr>
<tr>
<td><strong>Minimum Requirements</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>1 acre per Dwelling Unit or Per-Dwelling Unit per Dwelling</td>
<td>10,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
<td>15,000 sq. ft.</td>
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<tr>
<td></td>
<td>Non-Residential Use</td>
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<tr>
<td>Building Setback Line</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
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</tr>
<tr>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet</td>
<td>75 Feet per Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>At Building Setback Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td>100 Feet per Dwelling Unit</td>
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<tr>
<td></td>
<td><strong>Single-Family Semi-Detached</strong></td>
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<tr>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet</td>
<td>75 Feet per Dwelling Unit</td>
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</tr>
<tr>
<td>At Building Setback Line</td>
<td>150 Feet per Dwelling Unit</td>
<td>100 Feet per Dwelling Unit</td>
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<tr>
<td><strong>Two-Family Detached</strong></td>
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</tr>
<tr>
<td>At Street Line</td>
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<td>At Building Setback Line</td>
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</table>

XXXI-67
<table>
<thead>
<tr>
<th></th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Street Line</td>
<td></td>
<td></td>
<td>60 Feet</td>
<td>35 Feet per Dwelling Unit</td>
<td>75 Feet</td>
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<tr>
<td>At Building Setback Line</td>
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<td>80 Feet</td>
<td>40 Feet per Dwelling Unit</td>
<td>100 Feet</td>
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<tr>
<td>Rear Yard</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>25 Feet</td>
<td>25 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Side Yard Total</td>
<td>40 Feet</td>
<td>30 Feet</td>
<td>20 Feet</td>
<td>16 Feet</td>
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</tr>
<tr>
<td>One Side</td>
<td>20 Feet</td>
<td>15 Feet</td>
<td>10 Feet</td>
<td>8 Feet</td>
<td>12 Feet</td>
</tr>
</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 554)
Section 400. R-6 Suburban Residential District. (Ordinance 54, November 19, 1973, Section 560)

Section 401. R-6 Specific Intent. It is the purpose of this district to provide an area where residential development may occur at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced Lot Sizes and multiple Family developments when these facilities are provided. (Ordinance 54, November 19, 1973, Section 561)

Section 402. R-6 Uses Permitted By Right. Land and Buildings in an R-6 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling.
(b) Single-Family Semi-Detached Dwelling.
(c) Two-Family Detached Dwelling.
(d) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 60650 of this Ordinance.
(e) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency.
(f) Municipal Use.
(g) Multiple Family development subject to:
   (1) The minimum amount of land in the proposed development shall be ten (10) acres.
   (2) The development shall be served by public or community sewage disposal and water supply facilities.
   (3) The overall density of the development shall not exceed five (5) Dwelling Units per acre, unless the percentage of land in the development which is permanently set aside for common Open Space purposes is increased above the minimum established in subsection 3.51 below according to the following table:

<table>
<thead>
<tr>
<th>Minimum Percentage of Development in Common Open Space</th>
<th>Maximum Permitted Density of the Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
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<tr>
<td>25</td>
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<tr>
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<td>6.0</td>
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<tr>
<td>35</td>
<td>6.5</td>
</tr>
</tbody>
</table>

(4) Permitted Uses shall include Townhouses and Apartment Buildings.

50 Section 506 of this Chapter.
51 Section 402(g)(5) of this Chapter.
(5) Not less than twenty percent (20%) of the gross area to be developed shall be permanently set aside for non-commercial common Open Space purposes, such as recreation or conservation of natural features. These non-commercial 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. Common Open Space shall not include land included within Street rights-of-way nor shall they include land included within Building Lots nor shall they include required open areas required between Buildings or between Buildings and Street rights-of-way, driveways, parking areas and property boundary lines. No more than fifty percent (50%) of the common Open Space shall be land with slope of over fifteen percent (15%).

Common Open Space areas may be reserved for private Use or dedicated to the Township. For land which is not dedicated to the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common Open Space areas.

(6) A system for pedestrian circulation within the tract shall be provided. This system shall consist of a series of paved walkways four feet ('4') in width and shall provide access to community facilities and Recreation Areas.

(7) The Plan for the development must be submitted to the Township Planning Commission for review and receive Final Approval from the Township Supervisors in accordance with the procedures established in the Township Subdivision Regulations.

(8) Those areas of the tract designated for apartments shall have:

(i) at least three thousand one hundred twelve (3,112) square feet of land provided for each Apartment Unit with one (1) bedroom;

(ii) at least three thousand six hundred thirty (3,630) square feet of land provided for each Apartment Unit with two (2) bedrooms;

(iii) at least four thousand three hundred fifty-six (4,356) square feet of land provided for each Apartment Unit with three (3) or more bedrooms.

(9) The overall density of the entire development shall be in accord with the provisions of Subsection 7c. of Section 562\(^2\) of this Ordinance, but within the development the areas designated for Townhouses or both Townhouses and apartments may be developed at a density not exceeding eight (8) Dwelling Units per acre as long as other portions of the development are developed at such densities that the overall density of the development will not exceed the maximum permitted by Section 7c\(^3\).

(10) The maximum length of an Apartment Building shall be one hundred sixty feet (160').

\(^2\) Section 402(g)(3) of this Chapter.

\(^3\) Section 402(g)(3) of this Chapter.
(11) No Apartment Building shall be closer than sixty feet (60') to another Dwelling.

(12) The number of Townhouse units within a continuous grouping shall not exceed six (6).

(13) No Townhouse within a continuous row of Townhouses shall be closer than sixty feet (60') to a Dwelling Unit not in that row of Townhouses.

(14) Within any continuous group of Townhouses there shall be at least three (3) different architectural plans having substantially different designs, Building materials and exterior elevations. In addition, no more than two (2) continuous Townhouses shall have the same front setback and the variations in front setback shall be at least four feet (4').

(15) All Structures shall be a minimum of sixty feet (60') from the property lines of the development.

(16) No Building shall have a height exceeding thirty-five feet (35').

(17) No Apartment Building shall be located within sixty feet (60') of any Street Right-of-Way line.

(18) No Townhouse shall be located within thirty feet (30') of any Street Right-of-Way line.

(19) Parking shall be provided on the Lot of the Townhouse or in 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.

(20) Exterior storage areas for trash and rubbish shall be completely Screened from view on three (3) sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.

(21) Common Parking Areas for Townhouses or apartments shall not be designed or located to require cars to back into Streets in order to leave the parking areas. All dead-end parking Lots shall provide adequate areas into which cars parked in the end stalls of the Lots may back.

(22) Common Parking Areas and Access Drives for Townhouses or apartments shall be located a minimum of twenty-five feet (25') from all Structures and from the exterior Lot Lines of the development. Common Parking Areas shall be a minimum of twenty feet (20') from all roads.

(23) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

(24) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) Parking Spaces shall be accommodated in any one (1) parking area and all parking areas shall be landscaped.

(25) Entrances to and exits onto a Street from Common Parking Areas shall be located in a minimum of fifty feet (50') from curb line of the nearest intersecting Street.
(26) Within areas designated for apartments and Townhouses parking Lots and driveways shall not exceed twenty-five percent (25%) of the land area.

(27) Within areas designated for Apartment Buildings, Building coverage shall not exceed twenty-five percent (25%) of the land area.

Section 403. R-6 Uses Permitted By Special Exception. The following Uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a special exception should be granted are found in Section 804\(^\text{54}\) of this Ordinance.

(a) Place of Worship, subject to:

(1) The minimum Lot Size shall be three (3) acres.

(2) The minimum front, rear and Side Yards shall be sixty feet (60').

(b) School licensed or regulated by Pennsylvania Department of Public Instruction, subject to:

(1) The minimum Lot Size shall be three (3) acres.

(2) The minimum front, rear and Side Yards shall be sixty feet (60').

(c) Home Occupation, subject to Home Occupation Regulations, Section 603\(^\text{55}\) of this Ordinance.

(Ordinance 54, November 19, 1973, Section 563)

Section 404. R-6 Area, Yard and Height Regulations. See table on next page. (Ordinance 54, November 19, 1973, Section 564)

Section 405. R-6 General Regulations. The following general regulations found in this Ordinance shall apply to the R-6 District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>602</td>
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\(^{54}\) Section 604 of this Chapter.

\(^{55}\) Section 523 of this Chapter.
(Ordinance 54, November 19, 1973, Section 565)
Section 404. R-6 Area, Yard and Height Regulations
(Except as noted in Section 563\textsuperscript{46})

<table>
<thead>
<tr>
<th>Maximum Permitted</th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
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<td>Lot Area Covered by Buildings</td>
<td>15 Percent</td>
<td>20 Percent</td>
<td>35 Percent</td>
<td>35 Percent</td>
<td>30 Percent</td>
</tr>
<tr>
<td>Minimum Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td>1 acre per</td>
<td>20,000 sq. ft. per Dwelling Unit or Non-Residential Use</td>
<td>10,000 sq. ft. per Dwelling Unit or Non-Residential Use</td>
<td>6,000 sq. ft. per Dwelling Unit</td>
<td>15,000 sq. ft. per Dwelling Unit</td>
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<td>Building Setback Line</td>
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<td>30 Feet</td>
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\textsuperscript{46} Section 403 of this Chapter.
<table>
<thead>
<tr>
<th>Lot Width</th>
<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached and Non-Residential Uses</td>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet</td>
<td>150 Feet</td>
<td>150 Feet per Dwelling Unit</td>
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<tr>
<td></td>
<td>At Building Setback Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td>100 Feet</td>
<td>100 Feet per Dwelling Unit</td>
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<td>Single-Family Semi-Detached</td>
<td>At Street Line</td>
<td>100 Feet per Dwelling Unit</td>
<td>75 Feet per Dwelling Unit</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>At Building Setback Line</td>
<td>150 Feet per Dwelling Unit</td>
<td>100 Feet per Dwelling Unit</td>
<td></td>
<td></td>
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<tr>
<td>Two-Family Detached</td>
<td>At Street Line</td>
<td>150 Feet</td>
<td>100 Feet</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>At Building Setback Line</td>
<td>200 Feet</td>
<td>150 Feet</td>
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<tr>
<td>On Lot Sewage Disposal</td>
<td>Public or Community Sewage Disposal and On-Site Water Supply</td>
<td>Single-Family Detached and Non-Residential Uses</td>
<td>Single-Family Semi-Detached</td>
<td>Two-Family Detached</td>
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<tr>
<td>At Street Line</td>
<td></td>
<td>60 Feet</td>
<td>35 Feet per Dwelling Unit</td>
<td>75 Feet</td>
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</tr>
<tr>
<td>At Building Setback Line</td>
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<td>80 Feet</td>
<td>40 Feet per Dwelling Unit</td>
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<tr>
<td>Rear Yard</td>
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<td>Side Yard Total</td>
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<td>One Side</td>
<td>20 Feet</td>
<td>15 Feet</td>
<td>10 Feet</td>
<td>8 Feet</td>
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</tr>
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(Ordinance 54, November 19, 1973, Section 564)
Section 406. R-6 Uses Permitted By Condition. The following Use is permitted as a Conditional Use in the R-6 Residential District upon approval by the Township Board of Supervisors:

(a) Continuing Care Facility for the Elderly, subject to:

(1) The minimum amount of land in the proposed development shall be twenty-five (25) acres.

(2) The development shall be serviced by public or community sewage disposal and public or community water supply facilities.

(3) The overall density of the development shall not exceed eight (8) Dwelling Units per acre, with a minimum of thirty percent (30%) of the area of the development permanently set aside for common Open Space purposes as defined in Subsection "d"57 below.

(4) Not less than thirty percent (30%) of the gross area of the development shall be permanently set aside for noncommercial common Open Space areas, such as but not limited to recreation or conservation of natural features. These non-commercial Open Space areas shall be suitable for the designated purpose and shall contain no Structure or parking facility except as related to and incidental to Open Space Uses. Common Open Space areas shall not include land within Street rights-of-way, nor shall they include required open areas between Buildings or between Buildings and Street rights-of-way, driveways, parking areas and property boundary lines. No more than fifty percent (50%) of the common Open Space shall be land with slopes over fifteen percent (15%).

(5) A system of paved walkways five feet (5') in width for pedestrian circulation shall be provided for access to community facilities and common Open Space areas. The walkway shall have a base of four inch (4") crushed aggregate base course. The surface shall be either four inch (4") concrete within a minimum twenty-eight (28) day and strength of three thousand (3,000) p.s.i. or one and one-half inch (1-1/2") ID-2 binder course with one inch (1") ID-2 wearing course.

(6) The Plan for the development shall be submitted to the Township Planning Commission for review and receive Final Approval from the Township Supervisors in accordance with the procedures established in the Township Subdivision Regulations.

(7) All Structures shall be a minimum of sixty feet (60') from the property lines of the development.

(8) No Building shall have a height exceeding thirty-five feet (35').

(9) No Building shall be located within sixty feet (60') of any Street Right-Of-Way line.

(10) Exterior storage areas for trash and rubbish shall be completely Screened from view on three (3) sides and all trash and rubbish shall be contained in air-tight, vermin proof containers.

57 Section 406(a)(4) of this Chapter.
(11) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

(12) Parking areas shall be constructed in a manner to prevent through traffic to other parking areas. No more than sixty (60) Parking Spaces shall be accommodated in any one (1) parking area and the areas immediately adjacent to all parking areas shall be landscaped with plantings approved by the Township Supervisors.

(13) Entrances to and exits from Common Parking Areas onto a Street shall be located a minimum of one hundred feet (100') from curb lines of the nearest intersecting Street.

(14) Health care services and meals for residents with common dining facilities shall be provided.

(15) Nursing facilities may be provided on the Premises; however, the number of beds for development resident patient care shall not exceed twenty-five percent (25%) of the number of Dwelling Units in the development.

(16) The following facilities and services for the exclusive use of the residents and their guests are permitted within the continuing care facility, provided that they are strictly related to and subordinate to the residential character of the facility: physical therapy facilities, health care services, auditoriums, community centers, common dining facilities, libraries, lounges, activity and social rooms, craft and hobby rooms, gift shops, barber shops, beauty shops, health clubs, coffee shop, bank, pharmacy, medical offices, administrative offices and recreational facilities.

(17) There shall be no further subdivision of land in an approved continuing care facility. All common facilities shall have one (1) owner.

(18) Apartments shall be the only Dwelling type permitted in the development.

(19) Prior to the Township approval of a Building permit for a continuing care facility, a Certificate of Authority shall be issued by the Pennsylvania Insurance Department. The applicant shall submit to the Township a copy of all information submitted to the Department in the application for the Certificate of Authority, including but not limited to, a Statement in Support of Application, a Disclosure Statement and Resident's Agreement. In addition, a copy of the Annual Statement submitted to the Pennsylvania Insurance Department shall be submitted to the Township. Conditional Use approval shall expire if a Certificate of Authority is not secured within two (2) years of the approval of a Conditional Use by the Township Supervisors. If necessary, approval from any other state agencies having jurisdiction shall be secured prior to Township approval.

(20) A landscaping plan prepared by a registered architect or registered landscape architect shall be submitted to and approved by the Township. Natural features such as streams and wooded areas shall be preserved and incorporated into the design of the development.

(21) The facility shall be subject to the payment of real estate taxes.

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(22) The maximum length of an Apartment Building shall be one hundred sixty feet (160'). Apartment Buildings may be interconnected with other Interconnecting Structures. These Interconnecting Structures are to be subordinate to the Apartment Building(s) or the Accessory Building(s) to which they are connected and may be Used for corridors, stairways, elevators, bulk storage areas, utility rooms and any other purpose determined by the Board of Supervisors to be customarily incidental to the Apartment Building Use. The front and rear of the Interconnecting Structure shall be off-set at least ten feet (10') from the front or rear of the Building(s) to which it is connected.

(23) The minimum distance between an exterior wall or portion of an exterior wall which contains the principal window(s) in a habitable room, except bathrooms and kitchens, of an Apartment Building or Accessory Building and any other wall or portion of an exterior wall of another Apartment Building or Accessory Building shall be sixty feet (60'). The minimum distance between an exterior wall or portion of a wall which does not contain principal window(s) in a habitable room of an Apartment Building or Accessory Building and any other wall or portion of an exterior wall of another Apartment Building or Accessory Building shall be twenty feet (20').

(24) Buildings shall be set back a minimum of twenty feet (20') from parking areas and Access Drives.

(25) Parking Spaces shall be a minimum of ten feet (10') by twenty feet (20').

(26) Parking areas shall be Screened from adjoining properties and Streets in accordance with Section 60g5 of this Ordinance.

(27) Parking areas shall be set back a minimum of twenty feet (20') from Streets and property lines.

(28) Common Parking Areas shall be constructed in a manner so that cars will not back into Streets. In addition, backup areas shall be provided for all Parking Spaces in parking Lots.

(Ordinance 54, November 19, 1973, Section 566, as amended by Ordinance 91, November 18, 1985, Section 2)

Section 407. R-6 Conditional Use Procedure.

(a) Application. Four (4) copies of an application for authorization to conduct a Use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

(b) Review. After receiving an application, the Supervisors shall refer the application to the Township Planning Commission for its recommendations. The application shall be reviewed at a regular advertised meeting of the Township Supervisors, and the Supervisors shall either approve or disapprove the application within one hundred twenty (120) days after the date the application is received by the Township Secretary.

**Section 509** of this Chapter.
(c) Standards. Conditional Uses shall meet the specific standards established for each Use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

(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) Public services and utilities, if available, shall be adequate to service the proposed Use.

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

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

(5) The Use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

(Ordinance 54, November 19, 1973, Section 567, as amended by Ordinance 91, November 18, 1985, Section 3)
Section 425. R-7 Suburban Residential District. (Ordinance 54, November 11, 1973, Section 590, as amended by Ordinance 66, August 8, 1975, Section 1)

Section 426. R-7 Specific Intent. It is the purpose of this district to maintain existing residential areas and to permit expansion of these areas at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced Lot Sizes and Planned Developments when these facilities are provided. (Ordinance 54, November 19, 1973, Section 591, as amended by Ordinance 66, August 8, 1975, Section 1)

Section 427. R-7 Uses Permitted By Right. Land and Buildings in an R-7 district may be Used for the following purposes and no others, unless a Special Exception is granted:

(a) Single-Family Detached Dwelling.
(b) Single-Family Semi-Detached Dwelling.
(c) Two-Family Detached Dwelling.
(d) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.
(e) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency.
(f) Municipal Use.
(g) Planned Development, subject to the regulations of Section 628 of this Ordinance, with the exception that the overall density of the development shall not exceed eight (8) Dwelling Units per acre.

Section 428. R-7 Uses Permitted By Special Exception. The following Uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be Used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

(a) Place of Worship, subject to:
   (1) The minimum Lot Size shall be three (3) acres.
   (2) The minimum front, rear and Side Yards shall be sixty feet (60').

(b) School licensed or regulated by Pennsylvania Department of Public Instruction, subject to:
   (1) The minimum Lot Size shall be three (3) acres.

59 Section 506 of this Chapter.
60 Section 528 of this Chapter.
61 Section 604 of this Chapter.
(2) The minimum front, rear and side yards shall be sixty feet (60').

(c) Home Occupation, subject to Home Occupation Regulations, Section 623\(^2\) of this Ordinance.

(Ordinance 54, November 11, 1973, Section 593, as amended by Ordinance 66, August 8, 1975, Section 1)

**Section 429. R-7 Area, Yard and Height Regulations.** (Except as noted in Section 593\(^2\)). See table on next page. (Ordinance 54, November 19, 1973, Section 594, as amended by Ordinance 66, August 8, 1975, Section 1)

**Section 430. R-7 General Regulations.** The following general regulations found in this Ordinance shall apply to the R-7 District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
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*(Except as noted above)*

(Ordinance 54, November 19, 1973, Section 595, as amended by Ordinance 66, August 8, 1975, Section 1)

\(^2\) Section 523 of this Chapter.

\(^3\) Section 428 of this Chapter.
### Section 429. R-7 Area, Yard and Height Regulations
(Except as noted in Section 5934)

<table>
<thead>
<tr>
<th>Maximum Permitted</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
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<tbody>
<tr>
<td>On Lot Sewage Disposal</td>
<td>35 Feet</td>
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<tr>
<td>Lot Area Covered by Buildings</td>
<td>15 Percent</td>
<td>20 Percent</td>
<td>35 Percent</td>
<td>35 Percent</td>
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<tr>
<td>Minimum Requirements</td>
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</tr>
<tr>
<td>Lot Size</td>
<td>1 acre per Dwelling Unit or Non-Residential Use</td>
<td>20,000 sq. ft. per Dwelling Unit or Non-Residential Use</td>
<td>10,000 sq. ft.</td>
<td>6,000 sq. ft. per Dwelling Unit</td>
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<td>Building Setback Line</td>
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*Section 428 of this Chapter.*

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<td>Single-Family Semi-Detached</td>
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<td>At Street Line</td>
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<td>At Building Setback Line</td>
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XXXI-84
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<th>On Lot Sewage Disposal</th>
<th>Public or Community Sewage Disposal and On-Site Water Supply</th>
<th>Single-Family Detached and Non-Residential Uses</th>
<th>Single-Family Semi-Detached</th>
<th>Two-Family Detached</th>
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</thead>
<tbody>
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<td>At Street Line</td>
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<td>60 Feet</td>
<td>35 Feet per Dwelling Unit</td>
<td>75 Feet</td>
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<tr>
<td>At Building Setback Line</td>
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<td>80 Feet</td>
<td>40 Feet per Dwelling Unit</td>
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<tr>
<td>Rear Yard</td>
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<td>Side Yard Total</td>
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<td>One Side</td>
<td></td>
<td>15 Feet</td>
<td>10 Feet</td>
<td>8 Feet</td>
</tr>
</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 594, as amended by Ordinance 66, August 8, 1975, Section 1)
Section 450. RC-1 Retirement Complex District. (Ordinance 54, November 19, 1973, Section 597, as amended by Ordinance 128, August 20, 1990, Section 1)

Section 451. RC-1 Specific Intent. It is the purpose of this district to provide an area for the development of Retirement Complexes, including independent Dwelling Units, apartment housing units, personal care, intermediate care and skilled care facilities and Open Space together with Accessory Uses. (Ordinance 54, November 19, 1973, Section 597.1, as amended by Ordinance 128, August 20, 1990, Section 1)

Section 452. RC-1 Uses Permitted By Right. Land and Buildings in an RC-1 District may be Used for the following purposes and no others:

(a) Retirement Complex, subject to:

(1) The minimum amount of land in the Retirement Complex shall be thirty-five (35) acres.

A tract established on a separate deed necessary for Certificate of Need purposes for a Health Care Center shall be included in the tract.

(2) The Retirement Complex shall be served by public sewage disposal and public water supply facilities.

(3) The overall density of the Retirement Complex shall not exceed four (4) Dwelling Units per acre, with a minimum of thirty percent (30%) of the tract permanently set aside for common Open Space purposes as defined in Subsection (4) below.

(4) Not less than thirty percent (30%) of the gross area of the Retirement Complex shall be permanently set aside for non-commercial common Open Space purposes, such as recreation or conservation of natural features. These non-commercial Open Space areas shall be suitable for the designated purpose and shall contain no structure or parking facility except as related to and incidental to Open Space Uses. Common Open Spaces shall not include land included within Street rights-of-way nor shall they include required open areas required between Buildings or between Buildings and Street rights-of-way, driveways, parking areas and property boundary lines.

(5) A system of paved walkways five feet (5') in width for pedestrian circulation shall be provided for access to community facilities and Recreation Areas. At its discretion, the municipality may permit walkways four feet (4') in width at certain locations removed from community facilities. The walkway shall have a base of four inch (4") crushed aggregate base course. The surface shall have either four inches (4") of concrete with a minimum twenty-eight (28) day strength of three thousand (3,000) p.s.i. or one and one-half inch (1-1/2") ID-2 binder course with one inch (1") ID-2 wearing course. At its discretion, the municipality may permit an alternative construction at certain locations within preserved natural areas.

(6) The Plan for the Retirement Complex must be submitted to the Township Planning Commission for review and receive Final Approval from the Township Supervisors in accordance with the procedures established in the Township Subdivision and Land Development Ordinance.

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(7) All Structures shall be a minimum of fifty feet (50') from public Streets rights-of-way abutting the tract and forty feet (40') from all other property lines of the development.

(8) The distance from the highest point of an occupiable space to the level of the ground adjacent to the Building shall not exceed thirty-six feet (36').

(9) No Building shall be located within fifty feet (50') of any public or private Street Right-of-Way line.

(10) Exterior storage areas for trash and rubbish shall be completely Screened from view on three (3) sides, and all trash and rubbish shall be contained in vermin-proof containers.

(11) Entrance and exit ways to Common Parking Areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

(12) Common Parking Areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) Parking Spaces shall be accommodated in any one (1) Common Parking Area, and all Common Parking Areas shall be landscaped.

(13) Entrances to and exits onto a Street or Access Drive from Common Parking Areas shall be located a minimum of sixty feet (60') from curb lines of the nearest intersecting Street or Access Drive.

(14) The following facilities and services for the exclusive use of the residents and not the general public may be provided within the Retirement Complex, provided that they are strictly related to and subordinate to the residential character of the facility: physical therapy facilities, health care services, auditoriums, community centers, common dining facilities, libraries, lounges, activity and social rooms, craft and hobby rooms, gift shops, village store, barber shops, beauty shops, health clubs, coffee shop, bank, pharmacy, medical offices, administrative offices and recreational facilities.

(15) Single-Family Detached Dwellings, Single-Family Semi-Detached Dwellings, Townhouses and apartments shall be the only Dwelling types permitted in the Retirement Complex.

(16) Where applicable, prior to Township approval of a continuing care facility, a Certificate of Authority shall be issued by the Pennsylvania Insurance Department. The applicant shall submit to the Township a copy of all information submitted to the Department in the application for the Certificate of Authority, including but not limited to, a Statement in Support of Application, a Disclosure Statement and Resident's Agreement. In addition, a copy of the Annual Statement submitted to the Pennsylvania Insurance Department shall be submitted to the Township.

(17) All Retirement Complex plans shall provide for a liberal and functional landscaping plan prepared by a registered landscape architect. Access Drives and all Common Parking Areas shall be provided with shade trees which are of an appropriate size and character. In particular:

(i) Open Space adjacent to Buildings, areas between Buildings and border strips along the sides of pedestrian
walkways shall be graded and seeded to provide a thick stand of grass or other plant materials.

(ii) Approaches and entrance areas to Buildings shall be provided with trees and attractive shrubbery.

(iii) Areas not Used for Buildings, drives, Streets and Parking Space shall be seeded or landscaped and shall be kept in attractive condition.

Natural features such as streams and wooded areas shall be preserved and incorporated into the design of the development.

(18) The facility shall be subject to the payment of real estate taxes, occupational privilege taxes and any other applicable local or state taxes.

(19) Each Retirement Complex shall be built as a single legal entity and shall be retained in single ownership except where necessary to have separate ownership for Certificate of Need purposes, in which case separate ownership of a skilled and intermediate care facility shall be permitted so long as deed and other restrictions insure that common development, management and responsibility with respect to the Retirement Complex is maintained. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the Retirement Complex shall remain under a single ownership.

(20) No more than six (6) Townhouses shall be permitted in a row and the maximum length of a row of Townhouses shall be one hundred twenty feet (120'). No more than three (3) contiguous Townhouses shall have the same front setback and the variations in front set back shall be a least two feet (2').

(21) For Buildings other than Single-Family Detached Dwellings, Single-Family Semi-Detached Dwellings and Townhouses, there shall be no architecturally unbroken Building face of more than one hundred twenty (120) lineal feet. A Building face shall be considered architecturally broken if there is a deflection in the Building axis of at least thirty (30) degrees or, where there is no deflection in the Building axis of a least thirty (30) degrees, an integral architectural feature of the Building projects from the Building face a minimum of six feet (6') for a minimum distance of ten feet (10') along the Building face. Such architectural feature shall extend the entire height of the Building included within stories.

(22) The impervious coverage of the tract shall not exceed thirty percent (30%).

(23) The minimum distance between a Single-Family Detached Dwelling or a Single-Family Semi-Detached Dwelling and another Single-Family Detached Dwelling or a Single-Family Semi-Detached Dwelling shall be twenty feet (20').

(24) No Townhouse shall be closer than forty feet (40') to a Building not in the same row of Townhouses.

(25) For Buildings other than Single-Family Detached Dwellings, Single-Family Semi-Detached Dwellings and Townhouses, no such other Building shall be located closer than sixty feet (60') to any other Building.
(26) Identification Signs for Retirement Complexes are permitted providing that no more than one (1) such Sign shall be erected at each exterior public Street access to the Retirement Complexes. No such Sign shall be closer than ten feet (10') to a Lot Line, and the area on one (1) side of any such Sign shall not exceed forty (40) square feet. No part of any Sign shall exceed eight feet (8') in height.

(27) Buildings shall be set back a minimum of twenty feet (20') from Common Parking Areas and thirty feet (30') from Access Drives.

(28) Parking Spaces shall be a minimum of twelve feet (12') by twenty feet (20') at the ends of rows of Parking Spaces in Common Parking Areas and shall otherwise be a minimum of ten feet (10') by twenty feet (20').

(29) Common Parking Areas shall be Screened from adjoining properties and Streets.

(30) Common Parking Areas shall be set back a minimum of twenty feet (20') from Access Drives, Streets and property lines.

(31) Common Parking Areas shall be designed so as not to require cars to back into Streets unless otherwise permitted by the municipality, at the discretion of the municipality. In addition, back-up areas shall be required for dead-end parking lots.

(32) Minimum parking requirements shall be as follows:

- Living Units: one (1) space per living unit.
- Nursing homes, personal care facilities and other care facilities: one (1) space per employee and staff member on the largest shift plus one (1) space for each four (4) beds.
- Gift shops, personal services facilities and similar type uses: one (1) space for each two hundred (200) square feet or gross floor area.

(33) Those Streets and Access Drives within the tract which provide only for access to abutting Buildings and cannot be used for traffic circulating within or through the tract shall have a minimum paved width of twenty-four feet (24'). Those Streets and Access Drives within the tract which can be used for traffic circulation within or through the tract shall have a minimum paved width of thirty-two feet (32') rather than twenty-four feet (24') when required by the Township. The Township may require greater widths when it deems necessary to accommodate traffic within the site. No parking shall be permitted on the Streets and Access Drives.

(34) The maximum speed limit within the complex shall be twenty (20) miles per hour.

(Ordinance 54, November 19, 1973, Section 597.2, as amended by Ordinance 128, August 20, 1990, Section 1)

Section 453. RC-1 General Regulations. The following General Regulations found in this Zoning Ordinance shall apply to the RC-1 District unless in
conflict with the provisions of Section 597.2**, in which case the provisions of Section 597.2*** shall apply.

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>602</td>
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</tr>
</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 597.3, as amended by Ordinance 128, August 20, 1990, Section 1)

** Section 452 of this Chapter.
*** Section 452 of this Chapter.
Section 475. R-P Rural Preservation District. (Ordinance 54, November 19, 1973, Section 530, as amended by Ordinance 75, December 18, 1978, Section 1)

Section 476. R-P Specific Intent. It is the purpose of this district to encourage the preservation of the rural character of certain existing rural areas within the Township. These are areas not served, nor proposed to be served, by public sewerage facilities and are generally classified as having severe limitations to on-site sewage disposal. In addition, this district contains areas of steep slope, wetlands, intermittent and perennial streams and watershed areas for those streams. It is the intent of the Township to encourage the preservation of these features by minimizing adverse effects such as erosion and sedimentation which could occur if intensive development took place in the district. (Ordinance 54, November 19, 1973, Section 531, as amended by Ordinance 75, December 18, 1978, Section 1)

Section 477. R-P Uses Permitted By Right.

(a) Single-Family Detached Dwelling.

(b) Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.

(c) Agricultural Use, subject to:

(1) All grazing or pasture areas utilized for this purpose shall be fenced when in use.

(2) No Farm or any other outbuilding other than a Dwelling shall be constructed closer than seventy-five feet (75') to any property line.

(3) No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.

(4) No Structure designated for the raising of poultry shall be located within two hundred feet (200') of any property line.

(5) The cultivation of mushrooms and the raising of pigs are prohibited.

(6) The storage of spent mushroom compost is prohibited.

(d) Display and Sale of Farm Products, provided that:

(1) The sales value of products produced on the property on which Farm products are sold and offered for sale shall comprise at least fifty percent (50%) of the total sales value of all products offered for sale on that property.

(2) The off-street parking regulations for a Farm stand are met.

(3) The sale of Farm products shall be conducted within a Building or from a stand which shall be no closer than fifty feet (50') to any Street Right-of-Way line.

(e) Processing of Farm products, where such Use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

67 Section 506 of this Chapter.
(f) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(Ordinance 54, November 19, 1973, Section 532, as amended by Ordinance 75, December 18, 1978, Section 1)

Section 478. R-P Uses Permitted By Special Exception. The following Uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804" of this Ordinance.

(a) Park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency, subject to:

(1) The maximum paved area shall be ten percent (10%).

(2) No Building shall be closer than seventy-five feet (75') to any property line.

(b) Municipal Use.

(c) Home Occupation, subject to Home Occupation Regulations, Section 623" of this Ordinance.

(Ordinance 54, November 19, 1973, Section 533, as amended by Ordinance 75, December 18, 1978, Section 1)

Section 479. R-P Area, Yard and Height Regulations. (Except as noted in Sections 532 and 533")

Maximum Permitted

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Barns, Silos and Other Agricultural Buildings</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Other Buildings</td>
<td></td>
<td>35 Feet</td>
</tr>
<tr>
<td>Lot Area Covered By Buildings</td>
<td></td>
<td>5 Percent</td>
</tr>
</tbody>
</table>

Minimum Requirements

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>3 Acres, Provided that the minimum Lot Size for a Single-Family Detached Dwelling to be constructed on a slope greater than 20% or in an area with a depth to seasonal high water table of 1 foot or less shall be given acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Setback Line</td>
<td>60 Feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>At Street Line</td>
</tr>
</tbody>
</table>

68 Section 604 of this Chapter.

69 Section 523 of this Chapter.

70 Sections 477 and 478 of this Chapter.
At Building Setback Line 200 Feet

Rear Yard 50 Feet

Side Yard
Total 100 Feet
One Side 50 Feet

(Ordinance 54, November 19, 1973, Section 534, as amended by Ordinance 75, December 18, 1978, Section 1)

Section 480. R-P General Regulations. The following general regulations found in this Ordinance shall apply to the R-P District:

<table>
<thead>
<tr>
<th>Section (of Ordinance)</th>
<th>Section (of this Chapter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>602</td>
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</tr>
</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 534, as amended by Ordinance 75, December 18, 1978, Section 1)
C. General Regulations

Section 500. Intent. This Article lists specific controls over certain aspects of land utilization. These controls are important to the accomplishment of the purposes of this Zoning Ordinance and shall be strictly applied. (Ordinance 54, November 19, 1973, Section 600)

Section 501. Applicability. These controls shall apply when they are specifically referred to in the Regulations of the Applicable Zoning District. (Ordinance 54, November 19, 1973, Section 601)

Section 502. Prohibited Uses. No Building may be erected, altered or Used, and no Lot or Premises may be Used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination or similar substances or conditions. (Ordinance 54, November 19, 1973, Section 602)

Section 503. Access to Structures. Every Building erected or moved shall be on a Lot adjacent to a public Street or an Approved Private Street. All Structures shall be located on Lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ordinance 54, November 19, 1973, Section 603, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 504. Erection of More Than One (1) Principal Structure On A Lot. In any district, more than one (1) Structure housing a permitted or permissible Principal Use may be erected on a single Lot, provided that the area, Yard and other requirements of this Ordinance pertinent to the district in which the Lot is located shall be met for each Structure as though it were on a individual Lot, unless otherwise specifically provided. (Ordinance 54, November 19, 1973, Section 604)

Section 505. Storage of Explosives. No explosives may be stored in the Township. (Ordinance 54, November 19, 1973, Section 605)

Section 506. Accessory Uses - Residential.

(a) General

(1) No Accessory Buildings or Structures shall be permitted within any required front or Side Yards and within ten feet (10') of the rear property line. In addition, no Accessory Buildings or Structures within a Rear Yard shall be placed closer than ten feet (10') of the Side Yard requirement of the Zoning District, whichever is less, to a side Lot-Line.

(2) No activities shall be permitted which create a public nuisance or interfere with the Use of adjacent residential Lots.

(3) The maximum height of any Accessory Building shall not exceed twenty feet (20').

(4) The minimum distance between any Accessory Buildings shall be ten feet (10'). The minimum distance between any Accessory Building and a principal Building shall be ten feet (10').

(5) Accessory Uses include, but are not limited to, animal shelters, detached garages, swimming pools, greenhouses, storage sheds and tennis courts.

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(b) Use Regulations

(1) Swimming Pool. The construction of all permanently constructed swimming pools, including Structure, filtration and drainage systems, and all safety equipment shall meet the requirements of the Pennsylvania Department of Environmental Resources.

No permanent swimming pool shall be erected or installed unless a permit has been obtained from the Township.

No permanent Structure shall be permitted unless it is enclosed by a permanent fence at least four feet (4') in height.

(2) Detached Garages. The maximum height shall be twenty feet (20'). The maximum width shall be thirty feet (30'). The maximum length shall be thirty feet (30'). No temporary Structure shall be permitted.

(c) Apartment Accessory Uses shall be restricted to Uses designed for residents of the Apartment Units and may include such Uses as areas for washing machines and dryers, lockers or storage areas, recreational rooms, areas and lounges.

(d) Keeping of Animals, Poultry and Fowl. Within R-4, R-5, R-6, R-7 and C-1 Districts, the keeping of poultry and/or fowl, including but not limited to pigeons, and the keeping of horses, cows, pigs, goats and other domesticated Farm animals is prohibited unless carried out as part of a lawful agricultural Use in that District.

(Ordinance 54, November 19, 1973, Section 606, as amended by Ordinance 95, February 16, 1987, Sections 3(d) and 3(e))

Section 507. Commercial and Industrial Accessory Uses.

(a) General. No Accessory Building or Structure shall be located within any required front or Side Yard. In the case of commercial or industrial Lots which abut land zoned Agriculture, rural or residential, no Accessory Building or Structure in a Rear Yard shall be placed within fifteen feet (15') of a Rear Lot Line or within the minimum Side Yard requirement distance of a side Lot Line.

(b) Use Regulations

(1) Storage Areas. All such facilities shall be located in an area which has direct access to a Street or driveway.

(2) Living Quarters. Living quarters shall be permitted for proprietors and for watchmen, caretakers or similar employees.

(Ordinance 54, November 19, 1973, Section 607, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 508. Highway Frontage Development In Commercial and Industrial Districts.

(a) All areas for off-Street parking, off-Street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from the public Street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area.
(b) Each Use with less than one hundred feet (100') of frontage on a public Street shall have not more than one (1) accessway to each such Street. No Use with one hundred feet (100') or more frontage on a public Street shall have more than two (2) accessways to any one (1) Street for each three hundred feet (300') of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from an arterial Street or Major Collector.

(c) Where there is more than one (1) driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the Street property line shall conform to the following schedule:

<table>
<thead>
<tr>
<th>Width in Feet</th>
<th>Minimum</th>
<th>Maximum</th>
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<tbody>
<tr>
<td>One Way</td>
<td>12</td>
<td>26</td>
</tr>
<tr>
<td>Two Way</td>
<td>24</td>
<td>36</td>
</tr>
</tbody>
</table>

Each lane provided shall be a minimum of twelve feet (12') in width.

In all cases the radius of the edge of the driveway apron shall be at least fifteen feet (15') and no more than fifty feet (50').

(d) The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the Use of adjacent property and with pedestrian and vehicular traffic on adjacent Streets. The center line of the Access Driveway to any public Street shall be located at least seventy-five feet (75') from the intersection of any Street Lines.

(Ordinance 54, November 19, 1973, Section 608, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 509. Landscaping.

(a) Where District Regulations require buffer Yards, Screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting. The type and density of planting shall adequately provide the Screening effect required.

(b) Plant materials Used in Screen planting shall be at least four feet (4') in height when planted.

(c) The Screen planting shall be maintained permanently and plant material which does not live shall be replaced within six (6) months.

(d) Any portion of a site which is not Used for Buildings, other Structures, loading or Parking Spaces, and aisles, sidewalks and designated storage areas shall be planted with an all season ground cover and shall be landscaped according to an overall plan.

(Ordinance 54, November 19, 1973, Section 609)

Section 510. Lighting. When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and Streets. No direct beams of light shall be directed toward adjacent properties or toward Public Roads, except from Street lights intended for the lighting of Streets, the location of which have been approved by the Township and the
Not exceed twenty (20) square feet, may be attached to that portion of the Building housing the Use.

(Ordinance 54, November 19, 1973, Section 611, as amended by Ordinance 91, November 18, 1985, Section 4, as further amended by Ordinance 95, February 16, 1987, Section 3)

Section 512. Loading Areas. Paved off-Street loading and unloading spaces, with proper access from a Street, common driveway or alley, shall be provided on any Lot on which a Building for trade or business is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be sued without blocking or otherwise interfering with the Use of automobile accessways, parking facilities or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within require Front Yards.

All such spaces shall have dimensions not less than twelve feet (12') by forty-five feet (45') with a clearance of not less than fourteen feet (14') in height. Spaces required shall be determined by the following table and shall be located exclusive of any public Right-of-Way or required parking area.

### OFF-STREET LOADING

<table>
<thead>
<tr>
<th>Gross Floor Area (Square Feet)</th>
<th>Spaces Required</th>
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<tbody>
<tr>
<td><strong>Office Buildings</strong></td>
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<tr>
<td>First 20,000 or fraction thereof</td>
<td>One (1)</td>
</tr>
<tr>
<td>Each additional 40,000 square feet</td>
<td>One (1)</td>
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<tr>
<td><strong>Warehousing or Wholesaling Establishment</strong></td>
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<tr>
<td>Up to 2,000</td>
<td>None</td>
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<tr>
<td>2,001 to 10,000</td>
<td>One (1)</td>
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<tr>
<td>10,001 to 60,000</td>
<td>One (1) plus one (1) additional space for each 25,000 square feet in excess of 10,000 square feet</td>
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<tr>
<td>60,001 and over</td>
<td>Three (3) spaces plus one (1) additional space for each 50,000 square feet in excess of 50,000 square feet</td>
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<tr>
<td><strong>Other Principal Uses</strong></td>
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<tr>
<td>Up to 2,000</td>
<td>None</td>
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<tr>
<td>2,001 to 10,000</td>
<td>One (1)</td>
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<tr>
<td>10,001 to 40,000</td>
<td>One (1) plus one (1) additional space for each 15,000 square feet in excess of 10,000 square feet</td>
</tr>
</tbody>
</table>
Section 513. Off-Street Parking

(a) Off-Street parking facilities shall be provided whenever:

(1) A Building is constructed or a new Use established.

(2) The Use of an existing Building is changed to a Use requiring more parking facilities.

(3) An existing Building is altered so as to increase the amount of Parking Space required.

(b) Each Parking Space shall have a minimum area of two hundred (200) square feet and minimum dimensions of ten feet (10') by twenty feet (20'). In addition, appropriate driveways, aisles and maneuvering space shall be provided to permit safe and convenient access to and Use of the area provided for parking purposes. Proper access from a Street, alley or driveway shall be provided.

(c) Parking Spaces for residential Uses shall be located on the same Lot as the Use served and shall be located behind the Street Right-of-Way line. Parking Spaces for other Uses shall be provided for on the same Lot as the Use being served or in parking facilities within three hundred feet (300') of the Use, except in the case of a shopping center or similar grouping of Buildings on a Lot, in which case all parking areas shall be provided entirely within the Lot Lines of the property.

(d) Joint parking facilities for two (2) or more Uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual Use.

(e) All Parking Spaces and means of access, other than those relating to a Dwelling, shall be adequately illuminated during night hours of Use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private Streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.

(f) All parking areas shall be paved and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed five percent (5%). Surface water shall not discharge onto public sidewalks or other Premises.

(g) No areas necessary to fulfill the off-Street parking requirements of this Ordinance shall be Used for the sales, dead-storage, repair, dismantling or servicing of vehicles.

(h) Off-Street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new Building or Use.

(i) No off-Street parking plan shall be approved where a portion of the Lot is to remain undeveloped unless an adequate area for parking is

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reserved for future development. Reservation can be made by suitable deed restrictions.

(j) When the required number of Parking Spaces is computed and a fraction of a Parking Space results, any fraction below one-fourth (1/4th) may be disregarded and any fraction over one-fourth (1/4th) shall necessitate the provision of a full Parking Space.

(k) Off-Street parking requirements shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential Uses</td>
</tr>
<tr>
<td>2</td>
<td>Industrial Wholesaling or Warehouse Establishment</td>
</tr>
<tr>
<td>3</td>
<td>Restaurant, Tavern or Similar Use</td>
</tr>
<tr>
<td>4</td>
<td>Retail and Service Establishments</td>
</tr>
<tr>
<td>5</td>
<td>Office Buildings</td>
</tr>
<tr>
<td>6</td>
<td>Motel, Hotel, Tourist Home or Similar Establishment</td>
</tr>
<tr>
<td>7</td>
<td>Medical, Dental and Paramedical Offices and Clinics</td>
</tr>
<tr>
<td>8</td>
<td>Nursing Home, Convalescent Home or Home for the Aging</td>
</tr>
<tr>
<td>9</td>
<td>Hospital</td>
</tr>
<tr>
<td>10</td>
<td>Funeral Home</td>
</tr>
<tr>
<td>11</td>
<td>Roadside Farm Stand</td>
</tr>
<tr>
<td>12</td>
<td>Drive-In Eating Establishment (no indoor seating provided)</td>
</tr>
<tr>
<td>13</td>
<td>Bowling Alley</td>
</tr>
<tr>
<td>14</td>
<td>Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Use</td>
</tr>
</tbody>
</table>
Assemblage

(15) Library or Museum
One (1) space per three hundred (300) square feet of gross floor area

(16) Nursery Schools
One (1) space per employee plus one (1) space for loading and unloading of children for each five (5) children accommodated in the school

(17) Elementary and Junior High Schools
One (1) space per employee

(18) High Schools
One (1) space per four (4) students

(19) Skating Rink, Swimming Pool, Dance Hall or Indoor Recreational Establishment
One (1) space per fifty (50) square feet devoted to patron use

(20) Continuing Care Facility for the Elderly
One (1) space per living unit
One (1) space per employee during maximum work shift
One (1) space for every five (5) nursing care units

For any Building or Use not covered above, the Zoning Hearing Board shall apply the standard for off-street Parking Spaces in the above schedule deemed to most closely approximate the proposed Building or Use.

(Ordinance 54, November 19, 1973, Section 613, as amended by Ordinance 91, November 18, 1985, Section 5, as further amended by Ordinance 95, February 16, 1987, Section 3)

Section 514. Private Residential Driveways

(a) Private driveway entrance or exits into a Street from a Corner Lot shall be located at least forty feet (40’) from the curb line of the nearest intersecting Street.

(b) No driveway entrance or exit shall be less than ten feet (10’) in width.

(Ordinance 54, November 19, 1973, Section 614)

Section 515. Storage of Vehicles. Automotive vehicles or vehicular Dwellings of any type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed Accessory Buildings. (Ordinance 54, November 19, 1973, Section 615)

Section 516. Parking, Storage or Use of Major Recreational Equipment. No major recreational equipment (including boats and boat trailers, travel trailers, pick up campers or coaches, motorized Dwellings, tent trailers and the like, and cases or boxes Used for transporting recreational equipment) shall be parked or stored on any Lot in an Agricultural or Residential District except in a car port or enclosed Building or in a Rear Yard; provided, however, that such equipment may be parked anywhere on residential Premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be Used for
Section 517. Nonconforming Buildings or Uses

(a) Registration. In order to facilitate the administration of this Ordinance, the Zoning Officer after the enactment of this Ordinance shall assemble and maintain an accurate listing of those Nonconforming Uses which are not permitted as a Use by right in the district in which they are located and for which no Special Exception or Variance has been granted. Such listing shall be a matter of public record and shall constitute sufficient notice to any transferee acquiring any right to Use or own such property.

(b) Abandonment. A Nonconforming Use may not be re-established if the Use is discontinued for a continuous twelve (12) month period. Vacation of land or Buildings or the non-operative status of the Use normally carried on upon the property shall be evidence of discontinuance.

(c) Continuation. Any lawful Use of a Building or land existing at the effective date of this Ordinance may be continued although such Use does not conform to the provisions of this Ordinance.

(d) Change. A Nonconforming Use may not be changed to any other Nonconforming Use unless the Zoning Hearing Board shall grant a Special Exception. The proposed Use shall be of the same or more restricted classification than the existing Use and shall not be more detrimental to the district than the existing Use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a Special Exception.

(e) Expansion

(1) A Nonconforming Use shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the passage of this Ordinance.

(2) A Nonconforming Use shall not be enlarged or increased in a manner which will further violate any Yard, area and height regulations imposed by the Zoning District in which it is located.

A Nonconforming Building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any regulation imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is nonconforming as to Yard requirements may have repairs, improvements, maintenance, modifications and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance. The total floor area constructed within required Yards under this provision over time shall not exceed six hundred (600) square feet and only one (1) permit shall be issued by the Township over time for construction within required Yards under this provision.

(3) A Nonconforming Use may not be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board.
Total future expansion shall not exceed twenty percent (20%) of the area used at the time this Zoning Ordinance became effective.

The proposed expansion shall not cause a detrimental effect on surrounding properties.

(f) Damage or Destruction

(1) Any building or structure which is totally destroyed by any means may not be rebuilt and used for a nonconforming use. Any subsequent use of the land shall conform to the use requirements of the district in which it is located and conform to the yard, height and area regulation of the district.

(2) A nonconforming building which is partially destroyed by any means may be reconstructed and used for the same nonconforming use as long as the basic structural elements of the original buildings are retained. Such determination shall be made by the Township Building Inspector. The reconstructed portions of a nonconforming building shall conform to the area, height and bulk regulations of the Zoning District in which it is located.

Section 518. Nonconforming Lots

(a) Lots Included in Approved Plans. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance which does not meet the minimum area and size requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height and open space requirements shall be met. The Zoning Hearing Board may grant a variance from the yard and open space requirements as long as water supply and sewage disposal facilities have been certified as adequate by the Township Engineer and the Department of Environmental Resources.

(b) Lots Held in Single and Separate Ownership. Any lot held in single and separate ownership on the effective date of this Ordinance which does not meet the minimum area and size requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height and open space requirements are met. If the plans for the proposed use shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the Zoning Regulations for the district, and the water supply and sewage disposal facilities are certified as adequate by the Township Engineer and the Department of Environmental Resources, a variance from the yard and open space requirements may be granted.

Section 519. Public Utilities

(a) Public Utility Corporations Subject to the Jurisdiction of the Public Utility Commission. The restrictions of this Zoning Ordinance shall not apply to any existing or proposed structure, facility, building or extension thereof, used by any public utility corporation if, upon petition of the corporation the Public Utility Commission shall, after a public hearing, issue an order or directive that the present or proposed use or operation of the building, structure or facility (or extension) is...
reasonably necessary for the convenience or welfare of the public with respect to the service provided.

(b) Pennsylvania Municipal Corporations or Pennsylvania Municipality Authorities Which Provide Public Utility Service, But Which Are Not Subject to Public Utility Commission Jurisdiction. The restrictions of this Zoning Ordinance shall not apply to any municipal corporation organized and existing under any Pennsylvania municipal code or to any municipality authority organized or existing under the Pennsylvania Municipality Authorities Act of 1945, as amended, which owns or leases and uses or operates an existing or proposed Building, Structure or facility within the Township, provided that said corporation or authority petitions the Board of Supervisors and sets forth under oath:

1. the nature and details of the Building, Structure or facility;
2. that the Building, Structure or facility will be used exclusively in the operation of the public utility service provided by the petitioner; and
3. that the Building, Structure or facility is reasonably necessary for the convenience or welfare of the public with respect to the service provided.

(Ordinance 54, November 19, 1973, Section 619, as amended by Ordinance 77, September 17, 1979, Section 1)

Section 520. Obstructions

(a) On a Corner Lot, no wall, fence or other Structure may be erected or altered, and no hedge, tree, shrub or other growth shall be maintained which may cause danger to the drivers of vehicles on a Public Road by obscuring the drivers' view.

(b) Clear sight-triangles shall be provided at all Street intersection. Within such triangle, no object shall be permitted which obscures vision above the height of three feet (3') and below ten feet (10'), measured from the center line grade of intersecting Streets. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the center line of the intersecting Streets.

(Ordinance 54, November 19, 1973, Section 620)

Section 521. Slope Controls

(a) Designation of Area. Areas to be regulated under this section shall be indicated on a map, copies of which will be maintained by the Township Planning Commission and the Zoning Officer. If a property is located in an area subject to slope controls, the Zoning Officer shall indicate this fact on the Building Permit. (See Section 702 of this Ordinance)

The areas subject to slope controls shall be determined using maps and data comprising the Soil Survey of Berks County of 1970, Berks County Soil Conservation Service, as supplemented and amended.

(Section 552 of this Chapter)
(b) Uses Permitted by Right:

(1) Parks and outdoor recreational Uses when permitted by the prevailing Zoning District regulations and carried out in accordance with the regulations of the prevailing Zoning District.

(2) Open areas or Yards, subject to the restrictions of this Ordinance.

(3) Buildings, permitted by the prevailing Zoning District regulations, constructed in accordance with the regulations of the prevailing Zoning District, provided that no portion of the Building is constructed on a slope whose grade exceeds twenty-five percent (25%).

(4) Agricultural Uses when conducted in conformance with conservation practices that ensure sufficient protection against soil erosion, and when permitted by the prevailing Zoning District regulations and carried out in accordance with the regulations of the prevailing Zoning District.

(5) Woodland preserve, wildlife sanctuary, game preserve or other similar Use when permitted by the prevailing Zoning District regulations and carried out in accordance with the regulations of the prevailing Zoning District.

(c) Uses by Special Exception. Buildings constructed on a grade exceeding twenty-five percent (25%) and constructed in accordance with the regulations of the prevailing Zoning District, provided that the applicant submits to the Zoning Hearing Board for review a statement prepared by a registered architect with an explanation of the Building methods to be used in overcoming foundation and other structural problems, and including an explanation of the manner by which the natural watershed will be maintained and soil erosion prevented.

(d) Boundary Disputes and Appeals Procedures:

(1) Should a dispute concerning the boundaries of those areas subject to slope controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Subsection One of Section 6217 of this Ordinance.

(2) Any person aggrieved by this decision, claiming that the criterion listed in Subsection One of Section 6217 is incorrect, may appeal to the Zoning Hearing Board as provided for in Section 6074 of this Ordinance.

(3) The burden of proof shall be on the person appealing the decision of the Zoning Officer.

(4) If it is determined that the Soil Survey maps are inaccurate regarding the land in question; and that the area in question should not be subject to slope controls, the Zoning Officer

72 (Section 521(a) of this Chapter)
73 (Section 521(a) of this Chapter)
74 (Section 607 of this Chapter)
shall be notified that slope controls will not apply to the land in question.

(5) All boundary changes which are approved shall be made on the map of areas subject to slope controls which is maintained by the Township Planning Commission and the Zoning Officer.

(Ordinance 54, November 19, 1973, Section 621)

Section 522. Floodway Controls.

(a) Designation of Areas. The areas subject to floodway controls shall be those areas described as containing alluvial soils by the Berks County Soil Conservation Service, United States Department of Agriculture, in maps and data comprising the Soil Survey of Berks County. As alternatives, the one hundred (100) year flood boundary on U.S. Department of Housing and Urban Development Federal Insurance Administration Maps may be used, or the applicant may submit one hundred (100) year flood plain calculations prepared by a registered engineer, which shall be subject to approval by the Township Engineer.

(b) Uses Permitted by Right:

(1) Agricultural Uses when permitted by the prevailing Zoning District regulations, according to recognized soil conservation practices.

(2) Woodland preserve, wildlife sanctuary, game preserve, fish hatchery or other Use devoted to the protection and propagation of wildlife, when permitted by the prevailing Zoning District regulations.

(3) Open areas or Yards, subject to the restrictions of this Ordinance, and provided such Yards are not Used for on-Lot sewage disposal systems.

(c) Uses Permitted by Special Exception:

(1) Outlet installations for sewage treatment plants or sewage pumping stations.

(2) Public or private recreational area such as parks, picnic grounds, riding trails, biking trails, camps, boating and fishing, not to include enclosed Structures, except toilet facilities which must be connected to public water and sewer systems, when permitted by the prevailing Zoning District regulations and in accordance with the regulations of the prevailing Zoning District.

In considering whether a special exception should be granted, the Zoning Hearing Board shall consider the following guidelines:

(i) The cross-sectional profile of the water courses and flood plains at the location of the proposed Use shall not be substantially altered.

(ii) Adjacent stream neighbors shall not be unreasonably affected by the Use.

(iii) The public interest or general welfare of municipalities and residents in the same water shed shall not be adversely affected.

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(iv) No more than five percent (5%) of the area subject to flooding within the Lot shall be covered with impervious surfaces.

(d) Boundary Disputes and Appeals Procedures:

(1) Should a dispute concerning the boundaries of those areas subject to floodway controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Subsection One of Section 622 of this Ordinance.

(2) Any person aggrieved by this decision, claiming that the criterion listed in Subsection One of Section 622 is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board as provided for in Section 807 of this Ordinance.

(3) The burden of proof shall be on the person appealing the decision of the Zoning Officer.

(4) If it is determined that the Soil Survey maps are inaccurate regarding the land in question, the area subject to floodway controls shall be determined on the basis of a one hundred (100) year storm and all calculations shall be subject to the approval of the Township Engineer.

(5) All boundary changes which are approved shall be made on the map of areas subject to floodway controls which is maintained by the Township Planning Commission and the Zoning Officer.

(Ordinance 54, November 19, 1973, Section 622, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 523. Home Occupations Regulations.

(a) Only a resident of the Dwelling Unit may practice an occupation carried on in any Dwelling Unit.

(b) At least fifty percent (50%) of the goods available for retail sale shall be produced in the Dwelling Unit.

(c) No storage of materials or products in open areas shall be permitted.

(d) No display of products made shall be visible from the exterior of the Buildings.

(e) There shall be no outside advertising other than one (1) sided or two (2) sided Sign of no more than two (2) square feet in area on each side.

(f) Not more than two (2) persons may be employed by the practitioner of the occupation to provide secretarial, clerical or other similar assistance.

75(Section 522(a) of this Chapter)

76(Section 522(a) of this Chapter)

77(Section 607 of this Chapter)
(g) No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the Lot boundaries.

(h) No potentially dangerous effluent from operations shall be discharged.

(i) Such occupations shall be incidental or secondary to the Use of the property as a residence and are limited to those occupations customarily conducted within a Dwelling Unit.

(j) Not more than the equivalent of thirty percent (30%) of the area of the first (1st) floor of the Principal Building may be Used for the purposes of the Home Occupation.

(k) For those occupations which serve patrons, one (1) off-Street Parking Space shall be provided for each one hundred fifty (150) square feet of Floor Area devoted to patron Use except in the case of dental, medical or paramedical offices. Four (4) off-Street Parking Spaces shall be provided for each person engaged in dental, medical or paramedical practice.

(Ordinance 54, November 19, 1973, Section 623)

Section 524. Fences. In all residential districts no fence or wall over five feet (5') in height may be erected.

In all Districts, no fence, wall or hedge may be erected or planted within the Right-of-Way lines of any Street, nor may they encroach upon any Right-of-Way at any time. (Ordinance 54, November 19, 1973, Section 624)

Section 525. Corner Lot Restrictions. On every Corner Lot there shall be provided a Yard, equal in depth to the Front Yard requirement of the particular Zoning District in which the Corner Lot is located, on each side of the Lot which is adjacent to a Street. (Ordinance 54, November 19, 1973, Section 625)

Section 526. Playground and Recreation Area Restrictions. Playgrounds or similar non-commercial Recreation Areas owned and operated by a public or private non-profit agency shall not be Used for the operation of self-propelled vehicles designed to carry human beings. (Ordinance 54, November 19, 1973, Section 626)

Section 527. Regulations Governing the Placement of Mobile Homes.

(a) Mobile Homes shall be anchored to prevent overturning or uplift and the anchorage shall be adequate to withstand wind forces and uplift as required by the BOCA Basic National Building Code 1984, as revised or amended.

(b) Mobile Homes shall be set on permanent foundations which meet all the requirements of the Lower Heidelberg Township Building Code. Where no standards are specified, the standards set forth in the BOCA Basic Building Code of 1970, as revised or amended, shall be met.

(Ordinance 54, November 19, 1973, Section 627, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 528. Planned Development Regulations.

(a) The minimum amount of land in the proposed development shall be forty (40) acres.

(b) The development shall be served by public or community sewage disposal and water supply facilities.
(c) The overall density of the development shall not exceed five (5) Dwelling Units per acre.


(e) Not less than twenty percent (20%) of the gross area to be developed shall be permanently set aside for non-commercial common Open Space purposes, such as recreation or conservation of natural features. These non-commercial common Open Space areas shall be suitable for the designated purposes and contain not Structure or parking facilities except as related to and incidental to Open Space Uses. Common Open Spaces shall not include land included within Street rights-of-way nor shall they include required open areas required between Buildings or between Buildings and Street rights-of-way, driveways, parking areas and property boundary lines. No more than fifty percent (50%) of the common Open Space shall be land with slope of over fifteen percent (15%).

Common Open Space areas may be reserved for private Use or dedicated to the Township. For land which is not dedicated to the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common Open Space areas.

(f) No more than fifteen percent (15%) of those areas of the tract which have a high water table (as mapped in the Soils Survey of Berks County, 1970, by the Soil Conservation Service) shall be covered by impervious surfaces.

(g) A system for pedestrian circulation within the tract shall be provided. This system shall consist of a series of paved walkways four feet (4') in width and shall provide access to community facilities and Recreation Areas.

(h) The Plan for the development must be submitted to the Township Planning Commission for review and receive Final Approval from the Township Supervisors in accordance with the procedures established in the Township Subdivision Regulations.

(i) Specific sections of the development shall be designated for Townhouses (if these Uses are included in the Plan), specific sections of the development shall be designated for apartments (if these Uses are included in the Plan), and specific sections of the development shall be designated for single-Family detached, Single-Family Semi-Detached, Two-Family Detached and Two-Family Semi-Detached Dwellings (if these Uses are included in the Plan).

(j) Those areas designated for apartments shall have:

(1) at least three thousand one hundred twelve (3112) square feet of land provided for each Dwelling Unit with one (1) bedroom;  

(2) at least three thousand six hundred thirty (3630) square feet of land provided for each Dwelling Unit with two (2) bedrooms;  

(3) at least four thousand three hundred fifty-six (4356) square feet of land provide for each Dwelling Unit with three (3) or more bedrooms.

(k) The overall density of the entire development shall not exceed five (5) Dwellings units per acre, but within the development the acres designated for Townhouses or both Townhouses and apartments may be
developed at a density not to exceed eight (8) Dwellings units per acre as long as other portions of the development are developed at such densities that the overall density of the development will not exceed five (5) Dwelling Units per acre.

1. The maximum length of an Apartment Building shall be one hundred sixty feet (160').

m) No Apartment Building shall be closer than sixty feet (60') to another Dwelling.

n) The number of Townhouse units within a continuous grouping shall not exceed six (6).

o) No Townhouse within a continuous row of Townhouses shall be closer than fifty feet (50') to a Dwelling Unit not in that row of Townhouses.

p) Within any continuous group of Townhouses there shall be at least three (3) different architectural plans having substantially different designs, Building materials and exterior elevations. In addition, no more than two (2) continuous Townhouses shall have the same front setback and the variations in front setback shall be at least four feet (4').

q) All Structures shall be a minimum of sixty feet (60') from the property lines of the development.

r) No Building shall have a height exceeding thirty-five feet (35').

s) No Apartment Buildings shall be located within sixty feet (60') of any Street Right-of-Way line.

t) No Townhouse shall be located within thirty feet (30') of any Street Right-of-Way line.

u) Parking shall be provided on the Lot of the Townhouse or in 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.

v) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.

w) Common Parking Areas for Townhouses or apartments shall not be designed or located to require cars to back into Streets in order to leave the parking areas. All dead-end parking Lots shall provide adequate areas into which cars parked in the end stalls of the Lot may back.

x) Common Parking Areas and Access Drives for Townhouses or apartments shall be located a minimum of twenty-five feet (25') from all Structures and from the exterior Lot Lines of the development. Common Parking Areas shall be a minimum of twenty feet (20') from all roads.

y) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

z) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) Parking Spaces shall be
accommodated in any one (1) parking area and all parking areas shall be landscaped.

(aa) Entrances to and exits from Common Parking Areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest Street curb lines.

(ab) Within areas designated for apartments and Townhouse parking Lots and driveways shall not exceed twenty-five percent (25%) of the land area.

(ac) Within areas designated for Apartment Buildings, Building coverage shall not exceed twenty-five percent (25%) of the land area.

(ad) The applicant shall submit a separate map of the tract, at the scale of his preliminary subdivision plan, which shall show the natural features of the site, including slope, soils types, water courses, tree masses and drainageways.

(ae) No more than five percent (5%) of those areas of the tract with a slope of twenty-five percent (25%) or greater shall be covered by impervious surfaces.

(af) No more than fifteen percent (15%) of those areas of the tract with a slope of between fifteen percent (15%) and twenty-five percent (25%) shall be covered by impervious surfaces.

(ag) Regulations for Single-Family Detached Dwellings, Single-Family Semi-Detached Dwellings, Two-Family Detached Dwellings, Two-Family Semi-Detached Dwellings and individual Townhouses for sale shall be as follows:

Proposed 1-25-03 Section 529 Billboards: Off-Premise Outdoor Advertising (entire section - see file)
Adopted 3-17-2003 Ord. # 228
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>35 Percent</td>
<td>35 Percent</td>
<td>35 Percent</td>
<td>20 Percent</td>
<td>50 Percent</td>
</tr>
<tr>
<td>Lot Size</td>
<td>8000 sq. ft.</td>
<td>6000 sq. ft./d.u.</td>
<td>12,000 sq. ft.</td>
<td>12,000 sq. ft.</td>
<td>2000 sq. ft.</td>
</tr>
<tr>
<td>Building Set Back Line</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Lot Width at Street Line</td>
<td>50 feet</td>
<td>35 feet/d.u.</td>
<td>60 feet</td>
<td>60 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>at Building Setback Line</td>
<td>70 feet</td>
<td>40 feet/d.u.</td>
<td>80 feet</td>
<td>80 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>25 feet</td>
<td>25 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yard Total One Side</td>
<td>20 feet</td>
<td>16 feet</td>
<td>25 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8 feet</td>
<td>8 feet</td>
<td>10 feet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ordinance 54, November 19, 1973, Section 628, as amended by Ordinance 95, February 16, 1987, Section 3)
D. Administration

Section 550. Interpretation and Application. The provisions of the Zoning Ordinance, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the Township. Any Use, Structure, Building or Sign shall confirm with all provisions of the Zoning Ordinance except for which an exception or variance may be granted. Nothing in the Zoning Ordinance shall require any change in plans or construction of a Building for which a Building permit has been issued by the Township prior to the effective date of the Zoning Ordinance, and which is completed within one (1) year of the effective date of the Zoning Ordinance. (Ordinance 54, November 19, 1973, Section 700)

Section 551. Zoning Officer.

(a) Appointment. The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of, the Board of Supervisors. He may be provided with the assistance of such persons as the Board of Supervisors may from time to time direct.

(b) Qualifications. The Zoning Officer shall, by adequate professional training and experience, be familiar with Building procedures and terminology and with the responsibilities and proper application of the powers and duties of his office. He shall demonstrate proficient knowledge and understandings of the requirements of this Ordinance prior to appointment.

(c) Compensation. The compensation of the Zoning Officer shall be determined by the Board of Supervisors and re-evaluated on an annual basis.

(d) Duties. The Zoning Officer shall have all the duties and powers conferred on him by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a Building Permit or Certificate of Use and Occupancy in connection with any proposed erection, construction, alteration, extension, replacement, conversion and/or Use of any Building, Structure and/or land unless it first conforms with the requirements of the Zoning Ordinance and all other Ordinances of the Township. It shall be his duty and he shall have the power to:

(1) Receive all applications for Building Permits and issue Permits within twenty-one (21) calendar days when there is compliance with the provisions of this Ordinance, other applicable Township and County regulations and with the laws of the Commonwealth.

(2) Upon issuance of a Building Permit, to notify such other Township and County Officials as may be affected by such issuance.

(3) Following refusal of a Permit, receive applications for appeals from alleged error of the Zoning Officer and variances, and forward these applications to the Zoning Hearing Board for action thereon.

(4) Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. In performing such duties, the Zoning Officer shall have the authority, including entry during daylight business hours, to inspect land, Buildings and Structures built or altered under this Ordinance, and upon
satisfactory completion of said inspection, to issue a Certificate of Use and Occupancy within ten (10) calendar days.

(5) Order in writing the correction of all conditions found to be in violation of the provisions of this Ordinance. Such written order shall be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be in violation of this Ordinance.

(6) Institute, with the recommendation of the Township Planning Commission and the approval of the Board of Supervisors, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.

(7) Maintain and keep all records pertinent to all Zoning matters in the Township. Such records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amending ordinances, the Official Zoning Map and all other related information.

(8) Upon the request of the Township Planning Commission, the Zoning Hearing Board or the Board of Supervisors, present to such body facts, records, data and any other related information to assist such body in its deliberations and decisions.

(9) Receive applications for special exceptions and refer such to the Zoning Hearing Board for action thereon.

(e) Relief from Personal Responsibility. The Zoning Officer, or any employee charged with the enforcement of the Zoning Ordinance, while acting for the Township, shall not thereby render himself liable personally, and he is hereby relieved for all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties, shall be defended by the legal representative of the Township. In no case shall the Zoning Officer or any of his staff be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Zoning Ordinance when he and/or his subordinates perform their duties in good faith and without malice. (Ordinance 54, November 19, 1973, Section 701, as amended by Ordinance 95, February 16, 1987, Section 3)

Section 552. Building Permits.

(a) Requirements. (1) A Building Permit shall be obtained from the Zoning Officer when required by the Township Building Ordinance and for the change of Use of a Building, Structure and/or land.

(2) After the issuance of a Building Permit for the construction of a residential dwelling, the owner shall submit an application for a Building Permit for the construction of a non-residential building or structure. The application shall be submitted in writing on a form prescribed by the Zoning Officer, by the owner or lessee of the Building, Structure or land or the agent of either party, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent, and shall contain the following:

(1) A map of the Lot in question drawn to scale, indicating the Lot Size, and showing all dimensions of Lot Lines and the exact
location(s) on the Lot of all proposed Buildings, fences, Structures and alterations to Buildings or Structures.

(2) A statement indicating the Use, height, length, width and proportion of the total Lot area covered of all proposed and/or existing Buildings, Structures or additional or alterations to a Building.

(3) A statement indicating the number of families and/or commercial or industrial establishments to be accommodated within existing and proposed Buildings on the Lot. In the case of Apartment Buildings, a breakdown of units by number of bedrooms shall be given.

(4) Where applicable, the number, location and design of parking and loading areas, Recreation Areas, Signs, buffer Yards and landscaping, means of egress from and ingress to the Lot, and routes for pedestrian and vehicular traffic, and outdoor lighting throughout the tract.

(5) Method of proposed water supply and sewage disposal and the location of any on-Lot facilities.

(c) Approval of Disapproval. Upon receipt of the application, the Zoning Officer shall examine same to determine compliance with the Zoning Ordinance and any other Township Ordinances. Within twenty-one (21) days of receipt of the application, the Zoning Officer shall either approve or disapproval the application and return one (1) copy of the application containing the Zoning Officer's decision to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights to appeal to the Zoning Hearing Board. If the applicant fails to obtain a Building permit from the Zoning Officer within three (3) months after the date of approval of the application, the approval of the application shall be considered null and void.

(d) Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Board of Supervisors, the Zoning Officer shall issue a Building Permit Placard which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of issuance provided that it may be extended at the discretion of the Zoning Officer for six (6) months periods not to exceed a total of one (1) year.

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

(f) Highway Occupancy Permit Prerequisite. When driveway access to a State Highway must be granted by the Pennsylvania Department of Transportation in the form of a highway occupancy permit, a Building permit shall not be issued until such access is granted by the Pennsylvania Department of Transportation in the form of a highway occupancy permit.

(Ordinance 54, November 19, 1973, Section 702, as amended by Ordinance 95, February 16, 1987, Section 3)
Section 553. Certificate of Use and Occupancy.

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

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

(c) Temporary Certificate of Use and Occupancy. Upon request of the holder of a permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work provided life or the public welfare is not endangered.

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

(Ordinance 54, November 19, 1973, Section 703)

Section 554. Sign Permits.

(a) Scope. No sign other than a sign indicating the name, profession or activity of the occupant of a dwelling or the private nature of premises or a sign any one (1) side of which does not exceed two (2) square feet in area shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes.

(b) Application Procedure. Applications shall be made in writing to the Zoning Officer on a form specified for such purpose and shall contain the following:

(1) A detailed scale drawing of the sign showing its intended location and stating the method by which it will be affixed.

(2) A statement indicating the type of construction and the manner of installation and the materials to be used.
(3) The signature of the applicant. When the applicant is not the owner of the Premises on which the Sign will be erected, both the applicant and the owner of the Premises shall sign the application.

(4) A statement that the Sign will be erected according to the accompanying plans and specifications.

(c) Free-Standing Signs. If a Sign is to be supported by a separate Structure erected for that purpose, then the applicant shall furnish 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.

(d) Review Procedure. Permits shall be granted or denied within ten (10) calendar days from the date of application. All approved permits together with the accompanying information shall be a public record. A Certificate of Use and Occupancy shall be required for all permanent Signs.

(e) Hazardous Signs. In those instances where the Zoning Officer shall determine that a particular Sign constitutes a potential danger to life, limb, property or the general welfare, the applicant shall be required to furnish a certificate of liability insurance with a minimum coverage of One Hundred Thousand Dollars ($100,000.00), Three Hundred Thousand Dollars ($300,000.00) bodily injury, and Fifty Thousand Dollars ($50,000.00) property damage.

(f) Denial. No Sign permit shall be granted unless the application conforms to all requirements of this Ordinance and any other Ordinance of the Township pertaining thereto. If the application is denied, the Zoning Officer shall attach a statement to the application explaining the reasons thereof and informing the applicant of his rights of appeal to the Zoning Hearing Board.

(g) Duration of Permit. All Sign Permits granted shall remain valid for a period of six (6) months. If, by the expiration of such time, the applicant has failed to erect the Sign, or undertaken a significant portion of the work thereof, the Permit shall expire and a new Sign Permit shall be required.

(Ordinance 54, November 19, 1973, Section 704).

Section 555. Stop Order.

(a) Scope. A Stop Order shall be issued in the following instances:

(1) If activities regulated by this Ordinance are undertaken without an effective Building Permit or Sign Permit being granted.

(2) If an activity undertaken under an effective Building Permit or Sign Permit deviates from the application either during or after completion of the work.

(3) If a Use is conducted in a way which is in violation of the Use requirements, area, Yard and height regulations, performance standards or general regulations of this Ordinance.

(4) If an activity permitted by a special exception or variance or as a conditional Use is not conducted in accordance with the terms of the granting of the special exception, variance or conditional Use.

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(b) **Notice to Owner.** A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.

(c) **Contents.** The Stop Order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A time not to exceed five (5) days may be permitted to allow for the required corrections.

(d) **Unlawful Continuance.** Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance, subject to the penalties of Section 901 of this Ordinance.

(Ordinance 54, November 19, 1973, Section 705, as amended by Ordinance 95, February 16, 1987, Section 3)

E. Legislative Provisions
Section 600 Enactment of Zoning Ord. Amendments
601 Procedure for Landowner Curative Amendment
602 L. Heidelberg Twp. Curative Amendments

F. Enforcement Provisions
Section 625 Causes of Action
626 Enforcement Remedies

G. Appeal Provisions
Section 650 Zoning Hearing Board
651 Hearings
652 Jurisdiction
653 Variances
654 Special Exceptions
655 Conditional Uses
656 Petition Appellant Before the Board
657 Time Limitations
658 Stay of Procedures

77(Section 651 of this Chapter)

H. Administrative Provisions
Section 675 Conditional Use Procedures
676 Mediation Option
Part 2

Zoning Map

Section 701. Lower Heidelberg Township Zoning Map. (See Next Page).

(Ordinance 54, November 19, 1973, Attachment, as amended by Ordinance 66, August 8, 1975, Section 2, as further amended by Ordinance 75, December 18, 1978, Section 2, as further amended by Ordinance 92, April 21, 1986, Section 1, as further amended by Ordinance 95, February 16, 1987, Section 2, as further amended by Ordinance 128, August 20, 1990, Introductory Paragraphs, as further amended by Ordinance 156, February 20, 1995, Section 2, as further amended by Ordinance 157, February 20, 1995, Section 4)
INSERT ZONING MAP
Part 3

Airport Zoning

Section 801. Title. This Ordinance shall be known and may be cited as the Lower Heidelberg Township Airport Zoning Ordinance. (Ordinance 118, March 19, 1990, Section 1)


It is hereby found that an Obstruction has the potential for endangering the lives and property of Users of the Reading Regional Airport and property or occupants of land in its vicinity; that an Obstruction may affect existing and future instrument approach minimums of the Reading Regional Airport; and that an Obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Reading Regional Airport and the public investment thereon. Accordingly, it is declared

(a) That the creation or establishment of an Obstruction has the potential of being a public nuisance and may injure the region served by the Reading Regional Airport.

(b) That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of Obstructions that are a hazard to air navigation be prevented.

(c) That the prevention of these Obstructions should be accomplished, to the extent legally possible, by the exercise of the policy power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of Obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(Ordinance 118, March 19, 1990, Section 2)

Section 803. Definitions. The following words and phrases when Used in this Ordinance shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

(a) Aircraft. Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

(b) Airport. Reading Regional Airport.

(c) Airport Elevation. Three hundred forty-four feet (344') above seal level.

(d) Airport Hazard. Any Structure or object, natural or manmade, or Use of land which obstructs the airspace required for flight or aircraft in landing or taking off at the Airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. Cons. Stat. Section 5102.
(e) **Airport Hazard Area.** Any area of land or water upon which an Airport Hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

(f) **Approach Surface.** A surface longitudinally centered on the extended Runway centerline, extending outward and upward from the end of the Primary Surface and at the same slope as the Approach Surface zone Height limitation slope set forth in Section 492 of this Ordinance. In plan the perimeter of the Approach Surface coincides with the perimeter of the Approach Surface zone.

(g) **Approach, Transitional, Horizontal and Conical Surface Zones.** These zones are set forth in Section 493 of this Ordinance.

(h) **Conical Surface.** A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000').

(i) **Department.** Pennsylvania Department of Transportation.

(j) **FAA.** Federal Aviation Administration of the United States Department of Transportation.

(k) **Height.** For the purpose of determining the Height limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.

(l) **Horizontal Surface.** A horizontal plane one hundred fifty feet (150') above the established Airport Elevation, the perimeter of which in plan coincides with the perimeter of the Horizontal Surface zone.

(m) **Larger Than Utility Runway.** A Runway that is constructed for and intended to be Used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

(n) **Nonconforming Use.** Any pre-existing Structure, object of natural growth, or Use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

(o) **Nonprecision Instrument Runway.** A Runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(p) **Obstruction.** Any Structure, growth or other object, including a mobile object, which exceeds a limiting Height set forth in Section 594 of this Ordinance.

(q) **Person.** An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity, including a trustee, receiver, assignee or similar representative of any of them.

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\(\text{Section 804 of this Chapter}\)

\(\text{Section 804 of this Chapter}\)

\(\text{Section 805 of this Chapter}\)

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(r) **Precision Instrument Runway.** A Runway having an existing instrument approach procedure utilizing an Instrument Landing systems (ILS) or a Precision Approach Radar (PAR). It also means a Runway for which a precision approach system is planned and is so indicated on an approved Airport layout plan or any other planning document.

(s) **Primary Surface.** A surface longitudinally centered on a Runway. When the Runway has a specially prepared hard surface, the Primary Surface extends two hundred feet (200') beyond each end of that Runway. For military Runways or when the Runway has no specially prepared hard surface or planned hard surface, the Primary Surface ends at each end of that Runway. The width of the Primary Surface is set forth in Section 4 of this Ordinance. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the Runway centerline.

(t) **Runway.** A defined area on an Airport prepared for landing and takeoff of aircraft along its length.

(u) **Structure.** An object, including a mobile object, constructed or installed by man including, but without limitation, Buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

(v) **Township.** Township of Lower Heidelberg, Berks County, Pennsylvania.

(w) **Transitional Surfaces.** These surfaces extend outward at ninety (90) degree angles to the Runway centerline and the Runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and Approach Surfaces to where they intersect the horizontal and Conical Surfaces. Transitional Surfaces for those portions of the precision Approach Surfaces, which project through and beyond the limits of the Conical Surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the Approach Surface and at ninety (90) degree angles to the extended Runway centerline.

(x) **Tree.** Any object of natural growth.

(y) **Utility Runway.** A Runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

(z) **Visual Runway.** A Runway intended solely for the operation of aircraft using visual approach procedures.

(Ordinance 118, March 19, 1990, Section 3)

**Section 804.** **Airport Surface Zones.** In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces and Conical Surfaces as they apply to the Reading Regional Airport. Such zones are shown on the Reading Municipal Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive Height limitation. The various zones are hereby established and defined as follows:

95(Section 804 of this Chapter)
(a) **Utility Runway Visual Approach Surface Zone.** Established beneath the visual Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is two hundred fifty feet (250') wide. The zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(b) **Utility Runway Nonprecision Instrument Approach Surface Zone.** Established beneath the nonprecision instrument Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is five hundred feet (500') wide. The zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance of five thousand feet (5,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(c) **Runway Larger Than Utility Visual Approach Surface Zone.** Established beneath the visual Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is five hundred feet (500') wide. The zone expands outward uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(d) **Runway Larger Than Utility With A Visibility Minimum Greater Than Three-Quarters (3/4) Mile Nonprecision Instrument Approach Surface Zone.** Established beneath the nonprecision instrument Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is five hundred feet (500') wide. The zone expands outward uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance of ten thousand feet (10,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(e) **Runway Larger Than Utility With A Visibility Minimum As Low As Three-Quarters (3/4) Mile Nonprecision Instrument Approach Surface Zone.** Established beneath the nonprecision instrument Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is one thousand feet (1,000') wide. The zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(f) **Precision Instrument Runway Approach Surface Zone.** Established beneath the precision instrument Approach Surface. The inner edge of this zone coincides with the width of the Primary Surface and is one thousand feet (1,000') wide. The zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the Primary Surface. Its centerline is the continuation of the centerline of the Runway.

(g) **Transitional Surface Zones.** Established beneath the Transitional Surfaces adjacent to each Runway and Approach Surface as indicated on the Height Limitation and Zoning District Map.

(h) **Horizontal Surface Zone.** Established beneath the Horizontal Surface, one hundred fifty feet (150') above the established Airport Elevation, the perimeter of which is constructed by swinging arcs of ten thousand feet (10,000') radii from the center of each end of the Primary Surface of each Runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the Approach Surface and Transitional Surface zones.

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(i) **Conical Surface Zone.** Established beneath the Conical Surface. This zone commences at the periphery of the Horizontal Surface and extends outward therefrom a horizontal distance of four thousand feet (4,000').

(Ordinance 118, March 19, 1990, Section 4)

Section 805. **Airport Surface Zone Height Limitations.** Except as otherwise provided in this Ordinance, no Structure shall be erected, altered or maintained, and no Tree shall be allowed to grow in any zone created by this Ordinance to a Height in excess of the applicable Height limit herein established for such zone. Such applicable Height limitations are hereby established for each of the zones in questions as follows:

(a) **Utility Runway Visual Approach Surface Zone.** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of five thousand feet (5,000') along the extended Runway centerline.

(b) **Utility Runway Nonprecision Instrument Approach Surface Zone.** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of five thousand feet (5,000') along the extended Runway centerline.

(c) **Runway Larger Than Utility Visual Approach Surface Zone.** Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of five thousand feet (5,000') along the extended Runway centerline.

(d) **Runway Larger Than Utility With A Visibility Minimum Greater Than Three-Quarters (3/4) Mile Nonprecision Instrument Approach Surface Zone.** Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended Runway centerline.

(e) **Runway Larger Than Utility With A Visibility Minimum As Low As Three-Quarters (3/4) Mile Nonprecision Instrument Approach Surface Zone.** Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended Runway centerline.

(f) **Precision Instrument Runway Approach Surface Zone.** Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended Runway centerline; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended Runway centerline.

(g) **Transitional Surface Zones.** Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the Primary Surface and the Approach Surface and extending to a Height of one hundred fifty feet (150') above the Airport Elevation which is three hundred forty-four feet (344') above mean sea level. In addition to the foregoing, when an Airport has a Precision Instrument Runway Approach Zone, there are established Height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface and extending to where they intersect the Conical Surface.
Surface. Where the Precision Instrument Runway Approach Zone projects beyond the conical zone, there are established Height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface and extending a horizontal distance of five thousand feet (5,000') measured at ninety (90) degrees angles to the extended Runway centerline.

(h) **Horizontal Surface Zone.** Established at one hundred fifty feet (150') above the established Airport Elevation or at a Height of four hundred ninety four feet (494') above mean seal level.

(i) **Conical Surface Zone.** Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the Horizontal Surface and at one hundred fifty feet (150') above the established Airport Elevation and extending to a Height of three hundred fifty feet (350') above the established Airport Elevation or at a Height of six hundred ninety-four feet (694') above mean sea level.

(j) **Excepted Height Limitations.** Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any Structure, or growth of any Tree to a Height up to seventy-five feet (75') above the surface of the land.

(Ordinance 118, March 19, 1990, Section 5)

Section 806. Airport Zoning Requirements.

(a) **Use Restrictions.** Notwithstanding any other provisions of this Ordinance, no Use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to Use the Airport.

(b) **Nonconforming Uses:**

(1) **Regulations Not Retroactive.** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any Structure or Tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any Nonconforming Use, except as provided in Section 7 relating to permits and variances. Nothing contained herein shall require any change in the construction, alteration or intended Use of any Structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently executed.

(2) **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing Nonconforming Structure or Tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the appropriate officials of the Airport to indicate to the operators of aircraft in the vicinity of the Airport the presence of such Obstruction. Such markers and

93(Section 807 of this Chapter)
lights shall be installed, operated and maintained at the expense of the owner of Reading Regional Airport.

(Ordinance 118, March 19, 1990, Section 6)

Section 807. Permits and Variances.

(a) Future Uses. Except as specifically provided in (a), (b) or (c) hereunder, no material change shall be made in the use of land, no Structure shall be erected or otherwise established, and no Tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purposes for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting Use, Structure or Tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a Use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with this Subsection 7.49 hereof.

(1) In the area lying within the limits of the Horizontal Zone and conical zone, no permit shall be required for any Tree or Structure less than seventy-five feet (75') of vertical Height above the ground, except when, because of terrain, land contour or topographic features, such Tree or Structure would extend above the Height limits prescribed for such zones.

(2) In areas lying within the limits of the Approach Zones, but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the Runway, no permit shall be required for any Tree or Structure less than seventy feet (75') of vertical Height above the ground, except when, because of terrain, land contour or topographic features, such Tree or Structure would extend above the Height limit prescribed for such Approach Zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the Horizontal Zones, no permit shall be required for any Tree or Structure less than seventy-five feet (75') of vertical Height above the ground, except when such Tree or Structure, because of terrain, land contour or topographic feature, would extend above the Height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any Structure or growth of any Tree in excess of any of the Height limits established by this Ordinance, except that no permit is required to make maintenance repairs to or to replace parts of existing Structures which do not enlarge or increase the Height of an existing Structure.

(b) Existing Uses. Before any Nonconforming Structure may be replaced, substantially altered or rebuilt or any Tree allowed to grow higher or be replanted, a permit must be secured from the Township Zoning Officer authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an Obstruction or permit

94(Subsections 807(a)(1), 807(a)(2) and 807(a)(3) of this Chapter

95(Subsection 807(d) of this Chapter)
a Nonconforming Use, Structure or Tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.

(c) Nonconforming Uses Abandoned or Destroyed. Whenever the Township Zoning Officer determines that a nonconforming Tree or Structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such Structure or Tree to exceed the applicable Height limit or otherwise deviate from this Ordinance.

(d) Variance. Any Person desiring to erect any Structure, increase the Height of any Structure, permit the growth of any object of natural growth or otherwise Use his property in violation of Airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Ordinance. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Ordinance.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient Use of navigable airspace. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or Person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or Person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

(e) Hazard Marking and Lighting. In granting any permit or variance under this Section, the Board shall, if it deems the action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, so condition the permit or variance as to require the owner of the Structure or object of natural growth in question to permit the municipality, at its own expense, or require the Person or Persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

(Ordinance 118, March 19, 1990, Section 7)

Section 808. Enforcement/Notice

(a) Local Enforcement. It shall be the duty of the Township Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Township Zoning Officer upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Township Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Township Zoning Officer.

(b) Notice to Department. Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this Ordinance shall notify the Department of Transportation of its
decision. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to issue.

(Ordinance 118, March 19, 1990, Section 8)

Section 809. Zoning Hearing Board Powers. The Zoning Hearing Board of Lower Heidelberg Township is hereby granted the following powers:

(a) to hear and decide appeals from any order, requirement, decision or determination made by the Township Zoning Officer in the enforcement of this Ordinance;

(b) to hear and decide special exceptions to the terms of this Ordinance upon which the Zoning Hearing Board under such regulations may be required to pass; and

(c) to hear and decide specific variances.

(Ordinance 118, March 19, 1990, Section 9)

Section 810. Appeals

(a) Right of Appeal. Any Person aggrieved or any taxpayer affected by any decision of the municipality may appeal to the Zoning Hearing Board as provided by law.

(b) Reasonable Time Requirement. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Zoning Hearing Board. The Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in Person or by agent or by attorney.

(c) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the municipality certifies to the Zoning Hearing Board, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would in its opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the Board on notice to the municipality.

(d) Power to Reserve, Affirm or Modify Orders. The Zoning Hearing Board may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(Ordinance 118, March 19, 1990, Section 10)

Section 811. Conflicts. In the event of conflict between this Ordinance and any other ordinances or regulations whether the conflict be with respect to the Height of Structures or Trees and the Use of land or any other matter, and whether the other ordinance or regulations were adopted by Lower Heidelberg Township or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail. (Ordinance 118, March 19, 1990, Section 11)

Section 812. Judicial Review. Any Person aggrieved or any taxpayer affected by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas as provided by law. (Ordinance 118, March 19, 1990, Section 12)
Section 813. Severability. If any of the provisions of this Ordinance or the application thereof to any Person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of this Ordinance, and to this extent the provisions of this Ordinance are declared to be severable. (Ordinance 118, March 19, 1990, Section 13)

Section 814. Interpretation of Language and Captions

(a) Use of Language. Words of any gender Used in this Ordinance shall be held and construed to include any other gender and words in the singular shall be Used to include the plural, unless the context otherwise requires.

(b) Use of Captions. The captions or headings of sections in this Ordinance are inserted for convenience only, and shall not be considered in construing the provisions herein if any question of intent should arise.

(Ordinance 118, March 19, 1990, Section 14)

Section 815. Penalties. Any Person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced 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 a 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 in determining that there has been a violation further determines that there was a good faith basis for the Person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Section shall be construed or interpreted to grant to any Person or entity other than the Township the right to commence any action for enforcement pursuant to this Section. (Ordinance 118, March 19, 1990, Section 15)
March 21, 2003

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10050

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the
Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the
Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find
a certified copy of Ordinance No. 228 of the Township of Lower Heidelberg enacted
March 17, 2003, certified by the Township Secretary, amending the Lower Heidelberg
Township Zoning Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF STOUDT
Professional Corporation

Nancy L. Pachnilo
Paralegal

nlp
Enclosure
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXXI, ENTITLED "ZONING", OF THE TOWNSHIP CODE OF ORDINANCES BY ADDING THERETO A NEW SECTION 529 CONTAINING REGULATIONS PERTAINING TO BILLBOARDS AND OFF-PREMISE OUTDOOR ADVERTISING

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Subpart C, entitled "General Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", is hereby supplemented by adding thereto the following new Section 529:

Section 529. Billboards; Off-Premise Outdoor Advertising.

(a) Definitions. As used in this Section, unless the context otherwise requires, the following terms and their derivatives shall have the meaning herein given:

(1) Back-to-Back Sign. A structure with two (2) parallel sign faces oriented in opposite directions, or two (2) structures, each with one (1) sign face and located not more than ten feet (10') from an obstruction preventing both structures from being seen at the same time from any point along the thoroughfare.

(2) Off-Premise Sign. Any outdoor sign, display, figure, painting, drawing, message, billboard or any other thing which is designed, intended or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of the interstate system or any thoroughfare in the Township; but does not include on-premise signs advertising or identifying activities conducted on or products sold on the property upon which they are located.

(3) Sign. All portions of an outdoor advertising structure, including structural elements, bases, sign faces, trim and borders.

(4) Sign Face. That portion of a sign, including the display area, border and trim, but excluding the base, supports and other structural members, facing traffic moving in one (1) direction.
(5) **Thoroughfare.** Any street, road, expressway, freeway or highway located within the Township.

(6) **Township.** The Township of Lower Heidelberg, Berks County, Pennsylvania.

(7) **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.

(b) **Location of Off-Premise Signs.** Off-premise signs which conform with the provisions of this Section shall be permitted only in the Township's C-2 General Commercial Zoning District and the I-1 General Industrial Zoning District. In no event shall any portion of any sign be erected within one hundred feet (100') of any residentially zoned property.

(c) **Size of Off-Premise Signs.** The maximum area of an off-premise sign face shall be three hundred (300) square feet with maximum length of twenty-five feet (25'), plus temporary embellishments not exceeding twenty percent (20%) of the permanent sign area, but not to exceed one (1) display panel on the same face.

(d) **Spacing of Off-Premise Signs.** Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of off-premise signs shall be subject to the following:

(1) Each side of a thoroughfare shall be considered separately.

(2) V-type or back-to-back off-premise signs shall be considered one (1) sign.

(3) No two (2) off-premise signs shall be spaced less than one thousand five hundred feet (1,500') apart on any thoroughfare.

(4) No off-premise 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.

(e) **Height of Off-Premise Signs.** Off-premise signs shall not exceed an overall height of twenty-five feet (25') above the adjacent ground elevation or forty feet (40') above the surface of the road, whichever is lesser in height. Off-premise signs shall not be closer than ten feet (10') to the nearest right-of-way/property line.
(f) **Lighting of Off-Premise Signs.** Off-premise signs may be illuminated, subject to the following restrictions:

(1) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.

(2) External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign.

(3) The illumination of any sign within two hundred feet (200') of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

(g) **Prohibited Off-Premise Signs.** The following off-premise signs shall not be permitted to remain or to be erected:

(1) Signs which are obsolete structures not meeting construction standards, out-of-date political billboards, signs advertising defunct businesses and signs which have been erected without a building permit having been issued therefor.

(2) Signs which are illegal under state law or regulations.

(3) Signs that are not securely fixed on a substantial structure.

(4) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(5) Signs that prevent free ingress or egress from any doors, window or fire escape; or that are attached to a standpipe or fire escape.

(h) **Construction Standards.** All off-premise signs shall be constructed in accordance with the Building Code for the Township. The structural elements of all off-premise signs shall be of metal construction.

(i) **Maintenance or Replacement of Existing Off-Premise Signs.** The maintenance or replacement of off-premise signs existing prior to this Section shall be permitted, provided upgrades are in accordance with the Building Code of the Township.
(j) **Removals.** All off-premise signs removed for the purpose of abandonment cannot be replaced unless they are conforming to this Section.

**Section 2.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed insofar as they are inconsistent herewith.

**Section 3.** This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 17th day of March, 2003.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip  
Ronald L. Bentzer  
Russell Swindall

This is to certify this is a true and correct copy of Ordinance #228 adopted by the Board of Supervisors of Lower Heidelberg Twp. on March 17, 2003.

Sharon L. Zeffil  
Twp. Sec./Treas.
ORDINANCE NO. 227

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING PART 1, ENTITLED "ZONING ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG", OF CHAPTER XXXI, ENTITLED "ZONING", BY: (1) ADDING A NEW DEFINITION FOR THE TERM "NO-IMPACT HOME-BASED BUSINESS", (2) ADDING NO-IMPACT HOME-BASED BUSINESS AS A PERMITTED USE IN THE A-1 AGRICULTURAL PRESERVATION DISTRICT, A-2 AGRICULTURAL DISTRICT, A-R-1 AGRICULTURAL RECREATION DISTRICT, C-1 MIXED COMMERCIAL DISTRICT, C-2 GENERAL COMMERCIAL DISTRICT, I-1 GENERAL INDUSTRIAL DISTRICT, R-1 RURAL CONSERVATION DISTRICT, R-2 RURAL RESIDENTIAL DISTRICT, R-4 SUBURBAN RESIDENTIAL DISTRICT, R-5 SUBURBAN RESIDENTIAL DISTRICT, R-6 SUBURBAN RESIDENTIAL DISTRICT, R-7 SUBURBAN RESIDENTIAL DISTRICT, R-P RURAL PRESERVATION DISTRICT, RC-1 RETIREMENT COMPLEX DISTRICT AND R-P RURAL PRESERVATION DISTRICT, (3) REPEALING SUBPART E, ENTITLED "ZONING HEARING BOARD" AND SUBPART F, ENTITLED "MISCELLANEOUS" OF PART 1, AND (4) ADDING A NEW SUBPART E, ENTITLED "LEGISLATIVE PROVISIONS", SUBPART F, ENTITLED "ENFORCEMENT PROVISIONS", SUBPART G, ENTITLED "APPEAL PROVISIONS", AND SUBPART H, ENTITLED "ADMINISTRATIVE PROVISIONS", PROVIDING NEW LEGISLATIVE, ENFORCEMENT, APPEAL AND ADMINISTRATIVE RULES AND REGULATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 106, entitled "Definitions", of Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (ss) as follows:

"(ss) 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, which business or commercial activity satisfies the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling."
(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

(8) The business may not involve any illegal activity."

Section 2. Section 106, entitled "Definitions", of Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg, is hereby amended so that Subsections (ss) through and including (aaaa) are hereby renumbered to now read Subsections (tt) through and including (bbbb).

Section 3. Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Section 111 as follows:

"Section 111. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Part is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Part as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Part. The Board of Supervisors of Lower Heidelberg Township, Berks County, Pennsylvania, hereby declares that it would have adopted this Part and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 4. Section 152, entitled "A-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled
"Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (g) as follows:

"(g) No-impact home-based business."

Section 5. Section 177, entitled "A-2 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (g) as follows:

"(g) No-impact home-based business."

Section 6. Section 202, entitled "A-R-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."

Section 7. Section 227, entitled "C-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (m) as follows:

"(m) No-impact home-based business."

Section 8. Section 252, entitled "C-2 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (u) as follows:

"(u) No-impact home-based business."

Section 9. Section 277, entitled "I-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (g) as follows:

"(g) No-impact home-based business."

Section 10. Section 302, entitled "R-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."
Section 11. Section 327, entitled "R-2 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (e) as follows:

"(e) No-impact home-based business."

Section 12. Section 352, entitled "R-4 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."

Section 13. Section 377, entitled "R-5 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."

Section 14. Section 402, entitled "R-6 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."

Section 15. Section 427, entitled "R-7 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (h) as follows:

"(h) No-impact home-based business."

Section 16. Section 452, entitled "RC-1 Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (b) as follows:

"(b) No-impact home-based business."

Section 17. Section 477, entitled "R-P Uses Permitted by Right", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg is hereby supplemented by adding thereto a new Subsection (g) as follows:
"(g) No-impact home-based business."

Section 18. Subpart E, entitled "Zoning Hearing Board", and Sections 600 through and including 607 thereunder, and Subpart F, entitled "Miscellaneous", and Sections 650 through and including 658 thereunder, of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the Township of Lower Heidelberg are hereby amended in their entirety so as to hereafter read as follows:

"Subpart E. Legislative Provisions

Section 600. Enactment of Zoning Ordinance Amendments.

(a) The Township may from time to time amend, supplement or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

(b) Before voting on the enactment of an amendment, the Township 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 Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township 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 hereof; provided, nevertheless, that the requirement that notice be mailed shall not apply when rezoning constitutes a comprehensive rezoning.

(c) In the case of an amendment other than that prepared by the Township Planning Commission, the Township 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.

(d) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Township shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(e) At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall
submit the proposed amendment to the Berks County Planning Commission for recommendations.

(f) Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Berks County Planning Commission.

Section 601. Procedure for Landowner Curative Amendments.

(a) A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendments be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Lower Heidelberg Township Planning Commission and the Berks County Planning Commission as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

(b) The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Board of Supervisors; provided, however that the provisions of §908 (1.2 and 9) of the MPC shall not apply and the provisions of §916.1 shall control. If Lower Heidelberg Township does not accept a landowner’s curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for this entire Chapter and the Zoning Map, but only for those provisions which specifically relate to the landowner’s curative amendment and challenge.

(c) The Board of Supervisors, if it determines 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 amendment, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) 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 the Zoning Map.
(3) 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;

(4) 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

(5) The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

Section 602. Procedure for Lower Heidelberg Township Curative Amendments. If Lower Heidelberg Township determines that this Chapter, or any portion thereof, is substantially invalid, it shall take the following actions:

(a) Lower Heidelberg Township shall declare, for formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Board of Supervisors shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

   (i) References to specific uses which are either not permitted or not permitted in sufficient quantity;

   (ii) References to a class of use or uses which require revision; or,

   (iii) References to this entire Chapter which require revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

(b) Within one hundred eighty (180) days from the date of the declaration and proposal Lower Heidelberg Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

(c) Upon the initiation of the procedures as set forth in Subsection (a) of this Section, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1,
10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (a)(1) of this Section. Upon completion of the procedures set forth in Subsections (a) and (b) of this Section, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

(d) The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation."

Subpart F. Enforcement Provisions

Section 625. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by service a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

Section 626. Enforcement Remedies.

(a) Any person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay judgment or not more than Five Hundred Dollars ($500.00) plus all court costs, including reasonable attorneys' 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, corporation or other entity violating this Chapter to
have believed that there was no such violation, in which event there
shall be deemed to have been only one (1) such violation until the
fifth (5th) 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.

(b) The Court of Common Pleas, upon petition, may grant an
order of stay, upon cause shown, tolling the per diem fine pending
a final adjudication of the violation and judgment.

(c) Nothing contained in this Section shall be construed or
interpreted to grant to any person or entity other than the Township
the right to commence any action for enforcement pursuant to this
Section.

(d) District justices shall have initial jurisdiction over
proceedings brought under this Section."

Section 19. Part 1, entitled "Zoning Ordinance of the Township of Lower
Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances of the
Township of Lower Heidelberg is hereby supplemented by adding thereto a new
Subpart G and a new Subpart H as follows:


Section 650. Zoning Hearing Board.

(a) There is hereby created for the Township a Zoning
Hearing Board in accordance with the provisions of Article IX of the
Pennsylvania Municipalities Planning Code, 53 P.S. §10901, et seq.

(b) The membership of the Zoning Hearing Board shall consist
of three (3) residents of the Township appointed by resolution by
the Board of Supervisors. The terms of office shall be for three
(3) years and shall be so fixed that the term of office of one (1)
member shall expire each year. The Zoning Hearing Board shall
promptly notify the Board of Supervisors of any vacancies which
occur. Appointments to fill vacancies shall be only for the
unexpired portion of the term. Members of the Zoning Hearing Board
shall hold no other office in the Township. The Board of Supervisors
may appoint by resolution at least one (1) but no more than three
(3) 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 Subsection, all alternate members 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 board
members, including specifically the right to cast a vote as a voting
member during the proceedings, and shall have all the powers and
duties set forth in this Chapter and as otherwise provided by law.
Alternate members shall hold no other office in the Township,
including membership on the Township Planning Commission and Zoning Officer. Any alternate member 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 Subsection (f) of this Section unless designated as a voting alternate member pursuant to this Section. 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 provide 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 determination of 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 all alternate members.

(c) Any 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 member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(d) The 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 members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

(e) The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township, the Code of Ordinances of the Township of Lower Heidelberg and the laws of the Commonwealth of Pennsylvania. The 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.

(f) Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the 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 members of the Board of Supervisors.

Section 651. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
(a) Public notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

(b) The first hearing before the Board or hearing officer shall be commenced sixty (60) days from the date of receipt of the 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 (7) 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 the 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.

(c) 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 no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

(d) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, 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.

(e) The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issues subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
(f) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(g) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(h) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

(i) 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 communications, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(j) The Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the MPC, this Chapter or of any law, 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 had 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 under §916.2 of the MPC, where the Board fails to render the decision within the period required by this Subsection or fails to commence or complete the required hearing as provided in Subsection (b) of 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 Subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(k) 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. The Zoning Hearing 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 to all other persons who have filed their name and address with the Board not later than the last day of the hearing.

(1) The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

Section 652. Jurisdiction.

(a) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1.

(2) 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 an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board had not been previously established, the appeal raising procedural questions shall be taken directly to court.

(3) 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(4) Appeals from a determination by the Township Engineer or Zoning Officer with reference to the
administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(5) Applications for variances from the terms of this Chapter and flood hazard ordinance of such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

(6) Application for special exceptions under this Chapter or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

(7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

(8) Appeals from the Zoning Officer’s determination under §916.2 of the MPC, 53 P.S. §10916.2.

(9) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

(b) The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §1702 of the MPC.

(2) All applications pursuant to §508 of the MPC, for approval of subdivisions or land developments under Article V of the MPC.

(3) Applications for conditional use under the express provisions of this Chapter.

(4) Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC.

(5) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC.

(6) Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to
sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Township Planning Commission, all appeals from determinations under this subsection shall be to the Township Planning Commission and all appeals from the decision of the Township Planning Commission shall be to court.

Section 653. Variances.

(a) 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 Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptions, 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.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapters and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, or not be detrimental to the public welfare.

(5) 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.
(b) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.

Section 654. Special Exceptions. 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 Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those express in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

Section 655. Conditional Uses. Where the Board of Supervisors, in this Chapter has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearings shall be conducted by Board of Supervisors or Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or if no decision is called for, the findings shall be made by Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to Board of Supervisors, may, prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings 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 Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq. Where Board of Supervisors fails to render the decision within the period required by this Section or fails to commence, conduct or complete the required hearing as provided in Subsection 650(b) hereof, 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 Board of Supervisors to meet or render a decision as hereinabove provided, Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the MPC. If Board of Supervisors shall fail to provide such notice, the applicant may do so.

Section 656. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance); or 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township Engineer or the Zoning Officer with
reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planning residential development, may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 657. Time Limitations.

(a) 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 the Township 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 or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or Zoning Map or any amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

(b) All appeals from determinations adverse to the landowner shall be filed by such landowner within thirty (30) days after notice of the determination is issued.

Section 658. Stay of Procedures.

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

(b) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

(c) The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding part to post a bond shall be interlocutory.

(d) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorneys fees incurred by the petitioner."

Subpart H. Administrative Provisions

Section 675. Conditional Use Procedures. The Board of Supervisors shall have the power to approve conditional uses when this Chapter specifically requires the obtaining of such approval.

(a) In granting a conditional use, the Board of Supervisors shall make findings of fact consistent with the provisions of this Chapter but shall not approve a conditional use except in conformity with the conditions and standards outlined in this Chapter.

(b) The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any application for development submitted will meet all of the following general requirements, as well as any specific requirements and standards listed herein for the proposed use. The Board of Supervisors shall, among other things, require that any proposed use and location be:

(1) In accordance with the Township Comprehensive Plan.

(2) In the best interests of the Township, the convenience of the community, and the public welfare.
(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

(4) In conformity with all applicable requirements of this Chapter and all other municipal ordinances.

(5) Suitable in terms of effect on highway traffic and safety, with adequate access arrangements, to protect streets from undue congestion and hazard.

(6) In accordance with sound standards of subdivision and land development practices, where applicable.

(7) In accordance with all other standards and criteria of this Chapter.

(c) Review by the Township Planning Commission. The Board of Supervisors may request an advisory opinion from the Township Planning Commission on any application for a conditional use. The Township shall submit a report of such an advisory opinion prior to the date of the public hearing held by the Board of Supervisors on the relevant application. The Township Planning Commission may also request a report from the Township Engineer.

(d) Application Requirement for Conditional Use. Conditional use applications shall be governed by the following:

(1) The landowner shall make a written request to the Board of Supervisors that it hold a hearing on his/her application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are at issue.

(2) The application shall be accompanied by plans and other materials.

(3) The Board of Supervisors shall hold a hearing upon the request, commencing not later than forty-five (45) days after the request is filed, unless the applicant requests or consents, in writing, to an extension of time.

(e) Review Procedures for Conditional Uses. The Board of Supervisors shall conduct hearings and make decisions in accordance with the procedures set forth in this Chapter and in the Pennsylvania Municipalities Planning Code.

Section 676. Mediation Option.

(a) Parties to proceedings authorized in this Chapter and Article X-A of the Pennsylvania Municipalities Planning Code, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the
Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter and Article X-A of the Pennsylvania Municipalities Planning Code once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

(b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Board of Supervisors may offer the mediation option in a particular case pursuant to a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized in this Chapter, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other Sections of this Chapter.

(c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.”

Section 20. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.
Section 21. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 20th day of January, 2003.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip

R. David Seip

Ronald L. Dentzer

Russell Swinehart

This is to certify that this is a true and correct ordinance adopted by the Board of Supervisors on January 20, 2003. Ord. #227

Sharon L. Leffler
Twp. Sec./Treas.
September 30, 1998

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10050-60

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find a certified copy of Ordinance No. 188 of the Township of Lower Heidelberg enacted September 21, 1998, certified by the Township Secretary, amending the Lower Heidelberg Township Zoning Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Nancy Pachulo
Paralegal

Enclosure
ORDINANCE NO. 188

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 524 OF CHAPTER XXXI OF THE CODE OF ORDINANCE REGARDING FENCES

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 524, entitled "Fences", of Subpart C, entitled "General Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"Section 524. Fences. In all residential districts no fence or wall over six feet (6') in height may be erected."

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Heidelberg Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

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

DULY ENACTED AND ORDAINED this 21st day of September, 1998.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip

Cheryl L. Johnson

Sharon L. Leffler, Twp. Sec/Treas.

Russell Swinehart

I certify that this is a true and correct copy of Ordinance #188 adopted at the Board of Supervisors meeting on September 21, 1998.
September 8, 1999

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10051-31

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find a certified copy of Ordinance No. 200 of the Township of Lower Heidelberg enacted August 31, 1999, certified by the Township Secretary, amending the Lower Heidelberg Township Zoning Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Nancy Pachulo
Paralegal

Enclosure
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE OF ORDINANCES AS FOLLOWS: (1) SUPPLEMENTING CHAPTER VIII, ENTITLED "FIREFIGHTING, FIRE PREVENTION AND FIRE PROTECTION" BY ADDING THERETO A NEW PART 5 PERTAINING TO EDUCATIONAL MATERIALS REGARDING SPRINKLER SYSTEMS, AND (2) AMENDING SUBSECTION (a) OF SECTION 552, PERTAINING TO REQUIREMENTS FOR BUILDING PERMITS, OF CHAPTER XXXI, ENTITLED "ZONING"

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Chapter VIII, entitled "Firefighting, Fire Prevention and Fire Protection", of the Code of Ordinances is hereby supplemented by adding thereto the following new Part 5:

"Part 5

Educational Materials Regarding Sprinkler Systems

Section 501. Offering of Educational Materials by Developers. Developers of real estate for residential occupancy in the Township shall offer to potential new home buyers, as part of the sales process, educational materials describing the benefits and detriments of residential sprinklers. Said educational materials shall be in form and substance satisfactory to the Fire Chief of the Lower Heidelberg Township Volunteer Fire Company. In the event that any new home buyer declines to have sprinklers installed in a residential dwelling, he/she/they shall execute a waiver acknowledging that he/she/they understand the benefits and detriments of residential sprinklers and have chosen not to install residential sprinklers in said residential dwelling, said waiver to be in form and substance satisfactory to the Fire Chief of the Lower Heidelberg Township Volunteer Fire Company.

Section 502. Offering of Educational Materials by Township Zoning Officer. Upon request of a resident of the Township, the Township Zoning Officer shall offer to said resident educational materials describing the benefits and detriments of residential sprinklers."

Section 2. Subsection (a), entitled "Requirements", of Section 552, entitled "Building Permits", of Subpart D, entitled "Administration", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:
(a) **Requirements.**

(1) A Building Permit shall be obtained from the Zoning Officer when required by the Township Building Ordinance and for the change of Use of a Building, Structure and/or land.

(2) Prior to the issuance of a Building Permit for the construction of a residential dwelling, the legal owner(s) and/or equitable owner(s) of the Lot for which said building permit is being requested shall obtain from the Township Zoning Officer and shall view educational materials describing the benefits and detriments of residential sprinklers, said educational materials to be in form and substance satisfactory to the Fire Chief of the Lower Heidelberg Township Volunteer Fire Company. Developers of residential subdivisions in the Township shall be permitted to construct "spec home" residential dwellings without conforming to the requirements of this Subsection (2); provided, however, that said developer shall offer to potential new home buyers of said "spec home" residential dwelling, as part of the sales process, said educational materials and shall advise the potential new home buyers that said "spec home" residential dwelling can be retrofitted with sprinklers. In the event that any new home buyer declines to have sprinklers installed in a residential dwelling, he/she/they shall execute a waiver acknowledging that they understand the benefits and detriments of residential sprinklers and have chosen not to install residential sprinklers in said residential dwelling, said waiver to be in form and substance satisfactory to the Fire Chief of the Lower Heidelberg Township Volunteer Fire Company."

**Section 3.** All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

**Section 4.** This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 31st day of August, 1999.

I certify that this is a true and correct copy of Ord. #200 enacted by the Lower Heidelberg Twp. Board of Supervisors on August 16, 1999.

TOWNSHIP OF LOWER HEIDELBERG

Cheryl L. Johnson
R. David Seip
Russell Swinehart

Sharon L. Leffler
Twp. Sec./Treas.
December 23, 1998

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10050-60

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find a certified copy of Ordinance No. 191 of the Township of Lower Heidelberg enacted December 21, 1998, certified by the Township Secretary, amending the Lower Heidelberg Township Zoning Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Nancy Pachiuto
Paralegal

nlp
Enclosure
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXXI, ENTITLED "ZONING", OF THE CODE OF ORDINANCES AS FOLLOWS: (i) AMENDING SECTION 106, ENTITLED "DEFINITIONS", BY ADDING THERETO A NEW DEFINITION FOR "SHED", AND AMENDING THE DEFINITION OF "ACCESSORY BUILDING", AND (ii) AMENDING SECTION 506, ENTITLED "ACCESSORY USES - RESIDENTIAL"

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. The definition of "Accessory Building" contained in Section 106, entitled "Definitions", of Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"Accessory Building. A building clearly incidental and subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. This classification includes, but is not limited to, detached garages, animal shelters, sheds, barns, stables, swimming pools, greenhouses, tennis courts, guest houses and accessory dwelling units."

Section 2. Section 106, entitled "Definitions", of Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby supplemented by adding thereto the following new subsection (hhh):

"(hhh) Shed. A temporary utility structure or building, single-story, built for storage, excluding storage of motor vehicles other than garden equipment, with one or more sides enclosed, with exterior dimensions not greater than twelve feet by sixteen feet (12' x 16') and total area of not greater than one hundred ninety-two (192) square feet and a height not greater than ten feet (10')."

Section 3. Section 106, entitled "Definitions", of Subpart A, entitled "General Information", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended so that Subsections (hhh) through and including (zzz) are hereby renumbered to now read subsections (iii) through and including (aaaa).

Section 2. Subsection (a), entitled "General", of Section 506, entitled "Accessory Uses - Residential", of Subpart C, entitled "General Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:
Section 4. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 21st day of December, 1998.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip

Cheryl L. Johnson

Russell Swinehart

I certify that this is a true and correct copy of Ordinance #191, adopted by the Lower Heidelberg Twp. Board of Supervisors on Dec. 21, 1998.

Sharon L. Leffler, Sec./Treas.
June 19, 1998

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

HAND DELIVERED

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10050-60

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find an original signature copy of Ordinance No. 186 of the Township of Lower Heidelberg enacted June 15, 1998, certified by the Township Secretary, amending the Lower Heidelberg Township Zoning Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Nancy Pachvilo
Paralegal

Enclosure
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY REVISING SUBSECTION (d) OF SECTION 378, ENTITLED "R-5 USES PERMITTED BY SPECIAL EXCEPTION", OF SUBPART B, ENTITLED "ZONING DISTRICT REGULATIONS", OF PART I, ENTITLED "ZONING ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG", OF CHAPTER XXXI ENTITLED "ZONING", PERTAINING TO MOBILE HOME PARKS IN THE SUBURBAN RESIDENTIAL ZONING DISTRICT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Subsection (d) of Section 378, entitled "R-5 Uses Permitted by Special Exception", of Subpart B, entitled "Zoning District Regulations", of Part I, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(d) Mobile Home Park, subject to:

(1) The minimum area of a Mobile Home Park shall be ten (10) acres within Lower Heidelberg Township.

(2) When the Mobile Home Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of four (4) Dwelling Units per acre, the minimum area of a Mobile Home Lot shall be eight thousand (8,000) square feet, and the minimum Lot Width at the Building setback line shall be sixty feet (60'). Where on-lot sewage disposal is used, each Mobile Home shall be placed on a Lot which shall meet the requirements of a Lot for a Single-Family Detached Dwelling when on-lot sewage disposal is used. These requirements are found in Section 479 of this Chapter. Where a public or community sewage disposal system and an on-lot water supply is used, each Mobile Home shall be placed on a Lot which shall meet the requirements of a Lot for a Single-Family Detached Dwelling when a public or community sewage disposal
(6) The limits of each Mobile Home Lot shall be clearly marked by permanent flush stakes, markers or other suitable means.

(7) An evergreen planting Screen shall be placed along all boundary lines of the Mobile Home Park separating the Mobile Home Park from adjacent properties and/or streets. The Screen shall be a year-round Screen which shall be maintained permanently. Plant material which does not live shall be replaced within six (6) months. The distance between trees shall be such that a full Screen will be provided. The permissible distance between plants will vary with the species of planting."

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Heidelberg Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

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

DULY ENACTED AND ORDAINED this 15th day of June, 1998.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip
Cheryl L. Johnson
Russell Swinehart

This is to certify that this is a true and correct copy of Ordinance #186 adopted by the Lower Heidelberg Township Board of Supervisors on June 15, 1998.

Sharon Lafferty
Twp. Sec./Treas.
ORDINANCE NO. 175

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY REVISING SECTION 511, ENTITLED "SIGNS", OF PART 5, ENTITLED "GENERAL REGULATIONS", OF CHAPTER XXXI ENTITLED "ZONING"

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 511, entitled "Signs", of Part 5, entitled "General Regulations", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"Section 511. Signs. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations of the Township relating to the erection, alteration and maintenance of signs.

(a) General

(1) Except in the case of school warning signs, signs giving time and temperature, traffic control signs and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.

(2) No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

(3) No signs other than school warnings signs, official traffic signs and other municipal signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.

(4) Every sign must be constructed of durable material and be kept in good condition. Peeling paint shall be repaired and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.
(5) All lighting of signs shall be designed, located, shielded and directed in such a manner that the lights are fixed. All such lighting shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent or surrounding properties or public roads. No sign shall be utilized in a manner which produces a light intensity greater than six-tenths (0.6) footcandle beyond the lot boundaries.

(6) The distance from the ground to the highest part of any sign shall not exceed ten feet (10') in agricultural, rural, conversation, preservation, retirement and residential zoning districts. The distance from the ground to the highest part of any freestanding sign in a mixed commercial district shall not exceed fifteen feet (15'). The distance from the ground to the highest portion of any freestanding sign in other commercial districts and industrial districts shall be twenty-five feet (25'). No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.

(7) No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.

(8) No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.

(9) No portion of any sign shall project over any lot line.

(10) Red, green or amber lights, except those contained within a school warning sign, traffic control sign or similar municipal sign, shall not be so located that they could create a danger by being construed as traffic lights.

Blue flashing lights shall not be placed on the premises.

(11) The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.

(12) Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.

(13) A sign shall be removed within fourteen (14) days of termination of the use or event to which it refers.

(14) Signs on mobile stands which can be moved from place to place are prohibited.
(15) A sign affixed to any vehicle or other object in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes a primary purpose in itself, shall be prohibited.

(16) The zoning officer may issue temporary permits for banner, inflatable and similar nonpermanent signs in conjunction with a permitted use, but in no case for longer than fifteen (15) days. Banner, inflatable and other nonpermanent signs shall comply with all pertinent regulations applicable to permanent signs.

(17) Temporary signs advertising special event of municipal, religious, educational or charitable organizations shall be permitted by permit only. The permit shall be valid for a maximum of thirty (30) days. Such signs shall not exceed fifteen (15) square feet on one side.

(18) No sign shall project more than twelve inches (12") from the building wall to which it is attached, except that in Commercial and Industrial Districts signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four feet (4') provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are not more than twelve (12) square feet in area on any one (1) side, and the lowest portion of all sign facings are at least eight feet (8') above the ground.

(19) A freestanding sign is an independently supported sign, not attached to any building.

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

(21) Signs shall be constructed and placed in accordance with the Township Building Code, provided that wherever there is a conflict between this Zoning Ordinance and the provisions of the Building Code, the provisions of this Zoning Ordinance shall govern.

(b) Signs Permitted in Agricultural, Rural, Conservation, Preservation, Retirement and Residential Zoning Districts

(1) Official traffic or street name signs and other official federal, state, county or township government signs.
(2) Identification signs or bulletin or announcement boards for schools, churches, continuing care for the elderly or similar institutions, clubs and lodges, municipal buildings, farms, estates or similar permitted uses, provided that:

(i) No more than two (2) such signs shall face any one (1) street.

(ii) No side of any such sign, excluding signs consisting of open lettering attached to a building, shall exceed twelve (12) square feet in area. A sign consisting of open lettering attached to a building shall not have a height exceeding ten feet (10') nor an area exceeding ten percent (10%) of the building wall to which it is attached.

(iii) No sign shall be located within ten feet (10') of a front lot line nor within the side yard requirement of a side lot line, except signs attached to existing buildings.

(3) Professional, Home Occupation or name sign indicating the name, profession or activity of the occupant of a Dwelling, provided:

(i) One (1) side of any such sign shall not exceed two (2) square feet.

(ii) No such sign shall be located within ten feet (10') of the front lot line nor within the side yard requirement of a side lot line, except signs attached to existing buildings.

(iii) One (1) such sign shall be permitted for each permitted use or dwelling.

(iv) Signs indicating a permitted non-residential use shall be erected on the property where that use exists.

(4) Real estate signs, including signs advertising the rental or sale of premises or the name of a residential subdivision, provided that:

(i) The area on any one (1) side of any such sign shall not exceed twelve (12) square feet.

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

(iii) No sign shall be located within ten feet (10') of the front lot line nor within the side yard requirement of a side lot line.
(iv) Not more than one (1) such sign shall be placed on any one (1) street frontage.

(5) Temporary signs of contractors, architects and the like, provided that:

(i) Such signs shall be removed promptly upon completion of the work.

(ii) The area of such signs shall not exceed twelve (12) square feet.

(iii) Such signs shall be located on the property on which the work is being done.

(iv) Such signs shall be no closer than ten feet (10') to the front lot line nor within the side yard requirement of a side lot line.

(6) Signs advertising a lawful Nonconforming Use, provided that:

(i) The area on one (1) side of such sign shall not exceed twelve (12) square feet.

(ii) The sign shall be erected only on the premises on which such Nonconforming Use is located.

(iii) No more than two (2) such signs shall be erected on any one (1) street frontage.

(iv) No sign shall be located within ten feet (10') of the front lot line nor within the side yard requirement of a side lot line, except signs attached to existing buildings.

(7) Signs necessary for the identification and protection of public utility facilities, provided that the area of one (1) side of such sign shall not exceed four (4) square feet.

(8) A sign advertising the sale of farm products, nursery products or livestock produced or raised on the premises, provided:

(i) The area on one (1) side of any such sign shall not exceed twelve (12) square feet.

(ii) Not more than one (1) such sign shall be erected on any one (1) street frontage.
(7) No more than two (2) separate signs shall face any one (1) street frontage on any one (1) premise except in the case of a building housing more than one (1) commercial tenant.

(8) In the case of a building housing more than one (1) commercial tenant, one (1) permanent freestanding identifying sign for the building, the area on one (1) side of which shall not exceed one hundred (100) square feet, may be erected, provided that in the case of a lot exceeding thirty (30) acres in size, the area on one (1) side of the permanent identifying sign shall not exceed one hundred fifty (150) square feet. No more than seventy-five (75) square feet of such sign shall be devoted to one tenant. In addition, for each commercial tenant located within that building, no more than one (1) sign may be attached to that portion of the building housing the tenant.

Signs projecting perpendicularly from a building are permitted pursuant to Section 511(a)(18), in addition to the signs attached to building walls.

(9) A sign attached to a building wall (including open lettering) shall not have an area exceeding ten percent (10%) of the building wall to which it is attached, or one (1) square foot of area for each one (1) foot of building length, whichever is less; provided that for tenants with less than forty feet (40') of building length a sign attached to a building wall shall not have an area exceeding ten percent (10%) of the building wall to which it is attached or thirty (30) square feet, whichever is greater. In the case of a building containing more than one (1) tenant, the building wall devoted to a tenant shall be used to determine the permissible sign size for that tenant.

The building wall area shall be established by calculating the dimensions of usable building space immediately inside a wall of the building.

The building length shall be measured in a horizontal direction perpendicular to the two (2) side wall lines of said building.

(10) A sign attached to a building wall shall not have a height exceeding ten feet (10').

(11) A sign attached to a building shall face a street, without there being any intervening property with access separate from that for the building on which the sign would be placed.

(12) No sign shall face the rear of any property when the rear of that property abuts a residential district, nor shall any sign face the side of any property when the side of that property abuts a residential district.
(13)  In the case of lots subdivided from a tract of land on which a building containing more than commercial use will be constructed, freestanding building signs shall not be permitted.

Section 2.  If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.  It is hereby declared as the intent of the Board of Supervisors of Lower Heidelberg Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3.  All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

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

DULY ENACTED AND ORDAINED this 16th day of June, 1997.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip
Cheryl L. Johnson
Russell Swinehart

I certify that this is a true and correct copy of Ordinance #175, adopted by the Board of Supervisors on June 16, 1997.

Sharon L. Leffler, Sec. Treas.
ORDINANCE NO. 174

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY REVISING SECTION 253 OF CHAPTER XXXI REGARDING USES PERMITTED BY SPECIAL EXCEPTION IN THE C-2 GENERAL COMMERCIAL DISTRICT

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 253, entitled "C-2 Uses Permitted by Special Exception", of Subpart B, entitled "Zoning District Regulations", of Part 1, entitled "Zoning Ordinance of the Township of Lower Heidelberg", of Chapter XXXI, entitled "Zoning", of the Code of Ordinances pertaining to the "C-2 General Commercial District" is hereby amended in its entirety so as to hereafter read as follows:

"Section 253. C-2 Uses Permitted by Special Exception. The following uses are permitted after a Special Exception is granted by the Zoning Hearing Board. The standards to be used in determining whether a special exception should be granted are found in Section 604 of this Chapter.

(a) Any use of the same general character as any of the above permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.

(b) Adult entertainment establishment, subject to:

(1) A building containing such a use shall be located no less than five hundred feet (500') from the lot line of any school, place of worship, recreation area operated by a public or private non-profit agency, day care center, municipal use, library, or residence.

(2) A building containing such a use shall be located no less than five hundred feet (500') from an A-1, A-2, A-R-1, C-1, I-1, R-1, R-2, R-4, R-5, R-6, R7, RC-1, R-P, or R-C District within Lower Heidelberg Township.
(3) A building containing such a use shall be located no less than one thousand feet (1,000') from a building containing another such use.

(4) No materials sold on the premises shall be visible from any door, window or exterior of the building.

(5) No persons under the age of eighteen (18) years shall be permitted within an adult entertainment establishment.

(6) There shall be no display of materials which are characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas that can be seen from the exterior of the building.

(7) Not more than one (1) such use shall be permitted within any one (1) building or lot.

(8) The Zoning Hearing Board shall review and approve all exterior signs for compatibility with adjacent uses. Such signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

(9) No such business use may change to another type of such use, except upon application to and approval by the Zoning Hearing Board of such change as a special exception subject to the criteria set forth herein.

(10) Adult entertainment establishments are prohibited in all districts except the C-2 District.

(11) An adult entertainment establishment is any one of the following:

   (i) An establishment, having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia or other materials which are distinguished or characterized by their emphasis on depicting, describing or displaying sexual activities or conduct or exposed male or female genital areas, which establishment excludes minors by virtue of age
pursuant to the laws of the Commonwealth of Pennsylvania.

(ii) An establishment or place of assembly to which the public is permitted or invited: a) which has all or a substantial or significant portion of its stock in trade consisting of the following items: 1) books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or 2) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or b) wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or c) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; and/or d) offer its patrons any other retail goods, services or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas."

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Heidelberg Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.
Section 4. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 16th day of June, 1997.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip
Cheryl L. Johnson
Russell Swinehart

This is to certify that this is a true and correct copy of Ordinance #174, adopted by the Lower Heidelberg Township Board of Supervisors on June 16, 1997.

Sharon L. Leffler
Secretary/Treas.