ZONING ORDINANCE

TOWNSHIP OF BETHEL

Ord. 08/30/1973
through
Ord. 05/11/00
CHAPTER 27
ZONING

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Definitions

§101. General. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter 27, have the meaning herein indicated:

A. Words used in the present tense include the future tense. The singular includes the plural.

B. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

C. The word "lot" includes the word "plot" or "parcel."

D. The term "shall" is always mandatory, the word "may" is permissive.

E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(Ord. 8/30/1973; 8/30/1973)

§102. Terms.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 061490]

ACCESSORY BUILDING - a building detached from and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building but not to be construed to include vehicles or parts thereof.

ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AIRPORT - any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

AIRPORT HAZARD - any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA - any area of land or water upon which an airport hazard might be established if not prevented as provided in this Chapter 27.

ALTERATIONS - as applied to a building or structure, any change or rearrangement in the total flood area, or an enlargement, whether by extending on a side by increasing in height, or moving from one location or position to another.

ANTENNA OR TOWER HEIGHT - The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of the tower or antenna structure. If the support structure is on a slope grade, then the average height between the highest and lowest grades shall be used in calculating the tower or antenna height.
ANTENNA OR TOWER SUPPORT STRUCTURE - Any pole, telescoping mast, tower, tripod, equipment shelter or any other structure which supports a device used in the transmitting or receiving of radio frequency utilized in the communications industry.

ANTENNA OR TOWER SITE - A tract or parcel of land that contains the communications tower or antenna, its support structure, equipment shelter, accessory buildings, and parking, and may include other uses associated with and ancillary to transmission of the communications frequency.

APARTMENT - a building occupied by three (3) or more dwelling units.

AREA, LOT - the total within the lot lines, excluding right-of-way areas.

BASEMENT - a story partly below the finished grade, but having more than one-half (½) its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 061490]

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING, DETACHED - a building surrounded by open space on the same lot.

BUILDING LINE - a line parallel to the front, side, or rear lot line set so as to provide the required yard.

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

BUILDING, SEMI-DETACHED - a building which has one wall in common with an adjacent building.

CARPORT - see "Garage, Private."

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

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 061490]

COVERAGE - the percentage of the plot or lot area covered by a building or buildings.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies. [Ord. 061490]
DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. [Ord. 061490]

DEVELOPMENT PLAN - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 061490]

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

1. The Board of Supervisors;
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. [Ord. 061490]

DOG KENNEL - any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

DWELLING UNIT - one (1) room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

DWELLING, SINGLE-FAMILY - a building designed for or occupied exclusively by one (1) family, but not to be construed to include mobile homes.

DWELLING, TWO-FAMILY - a detached or semi-detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING, MULTI-FAMILY - a building designed for or occupied by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, GROUP - a group of two (2) or more single-family, two-family or multi-family dwellings occupying a lot in one (1) ownership.

FAMILY - one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but pro-
vided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FLOOR AREA, LIVABLE - the sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including cellars, attics, garages, enclosed porches, and roofed terraces, nor unheated areas such as enclosed porches.

FLOOR AREA RATIO - the relationship between the area of permitted floor space in a structure and the area of the lot on which it is situated. A floor area ratio of one (1) would permit a one-story building to cover one hundred (100%) percent of its lot, a two-story building to cover fifty (50%) percent of its lot, a four-story to cover twenty-five (25%) percent of its lot, and so on.

GARAGE, PRIVATE - an enclosed or covered space for the storage of one (1) or more vehicles, provided that no business, occupation, or service is conducted for profit therein.

GARAGE, PUBLIC - any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GRADE, FINISHED - the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

GASOLINE SERVICE STATION - a structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor vehicle fuel which may or may not include facilities for lubricating, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or paint shops. Any business or industry dispensing gasoline solely for its own use and vehicles will be not deemed to be a gasoline service station.

HEIGHT OF BUILDING - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.

HOME OCCUPATIONS - any gainful occupation or profession operated by a member of the immediate family residing on the premises, and where the business or profession is conducted wholly within the dwelling. (See "Supplementary District Regulations" for further stipulations.)

HOSPITAL - a place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care including such establishments as a sanitarium, sanitorium, and preventorium.

HOTEL OR LODGING HOUSE - a building used as the more or less temporary abiding place of three (3) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, occupants and only incidentally the public.
IMPERVIOUS COVERAGE – Any portion of a lot covered by an impervious surface, including, but not limited to, buildings, structures, and paved areas.

IMPERVIOUS SURFACE – Those surfaces that do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

INTENSIVE AGRICULTURAL OPERATIONS – Intensive agricultural operations shall include any of the following:

A. An operation involving fifty (50) or more beef cattle; or
B. An operation involving fifty (50) or more dairy cattle; or
C. An operation involving fifty (50) or more horses; or
D. An operation involving one hundred and fifty (150) or more sheep or goats; or
E. A swine operation involving more than one (1) sow or four (4) feeder pigs per acre; or
F. An operation involving one thousand (1000) or more birds, such as, but not limited to, chickens and turkeys; or
G. An operation involving one thousand (1000) or more small animals, such as, but not limited to, guinea pigs, rabbits, and minks; or
H. An operation involving any other livestock in excess of two (2) animal units per acre as defined by the Nutrient Management Act (Act 6 of 1993), which number of animal equivalent units shall be calculated in accordance with Act 6.

JUNKYARD - a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAUNDROMAT – a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIVESTOCK – Farm animals and birds kept for use and/or profit.

LOADING SPACE – an off-street space not less than twelve (12') wide, fifty-five (55') long and having a minimum clear height of fifteen (15') feet, exclusive of access areas, for the parking of one (1) vehicle while loading or unloading merchandise or materials.
LOT – a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 061490]

LOT AREA – an area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or access. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

LOT, CORNER – a lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135°) degrees at the intersection of the two (2) street lines.

LOT, INTERIOR – a lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH – an interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT LINE – any line dividing a lot from another lot, street or parcel. [Ord. 0613911]

LOT WIDTH – The width measured at the minimum front yard setback line, as provided for in the applicable use district regulations, between the side lot lines parallel to the front lot line.

MOBILEHOME – a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 061490]

MOBILEHOME PARK – a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 0614901]

MOBILE HOME SUBDIVISION – an area designated exclusively for mobile homes where lots are not rented but sold.

Motel – a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for occupancy, primarily for transient automobile travelers, and providing for accessory off-street parking facilities. The term “motel” includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

MUNICIPAL AUTHORITY – a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945.” [Ord. 061490]
NONCONFORMING LOT – a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 061490]

NONCONFORMING STRUCTURE – a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 061490]

NONCONFORMING SIGN – a sign which does not conform to the regulations of the district in which it is located.

NONCONFORMING USE – a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 061490]

NORMAL FARMING OPERATIONS – The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

NURSING OR CONVALESCENT HOME – a building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE – the unoccupied space open to the sky on the same lot with the building.

PARKING SPACE – the space within a building or on a lot or parking lot, for the parking or storage of one (1) automobile. (Minimum size - two hundred (200) square feet, dimension ten (10') feet by twenty (20') feet, exclusive of passage ways and driveways and not an integral portion of the street.

PLANNED RESIDENTIAL DEVELOPMENT – an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. [Ord.061490]

PLANNING COMMISSION – the Bethel Township Planning Commission.
PREMISES - any lot, parcel, or tract of land and any building constructed thereon.

PRIVATE ROAD - a legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.

PUBLIC GROUNDS - includes:
A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 061490]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 061490]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 061490]

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 061490]

ROW HOUSE (TOWNHOUSE OR ATTACHED DWELLING) - three (3) or more single-family dwellings in a group, one (1) or more of which have two (2) walls in common with adjacent dwellings.

SANITARIUM, SANITORIUM - a private hospital, whether or not such facility is operated for profit.

SCREEN PLANTING - a vegetative material of sufficient height and density to screen the view, in adjoining districts, of the structures and uses on the premises upon which the screen planting is located.

SHOPPING CENTER - a group of stores, six (6) or more in number,
planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. It shall also mean a single store or a group of stores less than six (6) in number where the total gross floor area of the store or stores exceeds forty thousand (40,000) square feet.

SIGN - the word "sign" includes any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device of similar character which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; is used to announce, direct attention to, or advertise; or is visible from outside of a building.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 061490]

STORY - that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A story does not include a cellar.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 061490]

STREET LINE - the dividing line between the street right-of-way line and the lot. Also known as the street lot line.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 061490]

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S $10101 et seq. [Ord. 061490]

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township. [Ord. 061490]

YARD - a required open space other than a court unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction and visibility.

YARD, FRONT - a yard provided between the front property line and a line drawn parallel thereeto, and such distance therefrom as may be
specified herein for any district, and extending for the full width of the lot.

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

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

ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL) - the agent or official designated by the Township Supervisors to enforce this Chapter 27.

ZONING PERMIT - a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Chapter 27 for the zone in which it is located or to be located.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975; by Ord. 061490, 6/14/1990; and by Ord. 061391, 6/13/1991)
Part 2
Establishment of Districts; Provision for Official Zoning Map

A. General.

§201. Official Zoning Map.

1. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter 27.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Part 2, §201 of this Chapter 27 of the Code of Ordinances of the Township of Bethel, Lebanon County, Pennsylvania, together with the date of the adoption of this Chapter 27."

3. If, in accordance with the provisions of this Chapter 27 and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Supervisors, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change) which entry shall be signed by the Chairman of the Supervisors attested by the Township Secretary. No amendment to this Chapter 27, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said Map."

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter 27. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter 27 and punishable as provided under Part 28.

5. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Township Supervisors shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the Township.

(Ord. 8/30/1973, 8/30/1973)


1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of Supervisors attested by the Township Secretary and bearing the seal of the Township under the following words: "This is to certify
that this is the Official Zoning Map, adopted (date) as part of this
Chapter 27 of the Code of Ordinances of Bethel Township, Lebanon County,
Pennsylvania."

2. Unless the prior Official Zoning Map has been lost, or has been
totally destroyed, the prior map or any significant parts thereof,
remaining shall be preserved together with all available records pertaining
to its adoption or amendment.

(Ord. 8/30/1973, 8/30/1973)
B. Zoning Map Amendments.

<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>042591</td>
<td>4/25/1991</td>
<td>Changing the Zoning Classification for a tract of land approximately 7.0 acres in area bordered on the West by Route 22; on the East by lands now or formerly of Harvey W. Zimmerman and lands now or formerly of Charles D. Merkey; and on the South by lands now or formerly of Charles D. Merkey, from R-1 Low Density Residential District to C-2 Highway Commercial.</td>
</tr>
<tr>
<td>082291</td>
<td>8/22/1991</td>
<td>Changing the Zoning Classification for a tract of land approximately 47.40 acres in area, as more particularly described, from R-1 Low Density Residential to M-Manufacturing; provided, however, that such portion(s) of the tract of land in question classified by appropriate floodplain district designations shall remain unaltered by this amendment as such districts now appear on the official Zoning Map.</td>
</tr>
<tr>
<td>102494</td>
<td>10/24/94</td>
<td>Changing the Zoning Classification of a parcel of land zoned R-2 and adjacent to a C-2 property, to be included in the C-2 zoning district. The land is on the east side S. Pine Grove Street in Fredericksburg, at Elm Street.</td>
</tr>
<tr>
<td>042996</td>
<td>04/29/96</td>
<td>Changing the Zoning Classification along SR 22 from the Berks County to the Swatara Twp. line to provide a commercial corridor within Bethel Township, Lebanon County, Pa.</td>
</tr>
<tr>
<td>Ord./Res.</td>
<td>Date</td>
<td>Subject</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>081497</td>
<td>08/14/97</td>
<td>Changing the Zoning Classification for a small portion of a tract of land, Map 93B, Lot 250, so that it will be zoned in its entirety as the Airport District, Bethel Township, Lebanon County, Pa.</td>
</tr>
<tr>
<td>081299</td>
<td>08/12/99</td>
<td>Changing the Zoning Classification for Lot #55, (Elvin Shilling Subdivision Map 103, Lot 98, so that lot will be included in the Agricultural (A1) Zoning District.</td>
</tr>
</tbody>
</table>
Part 3
Rules for Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances not covered by Subsections (1) through (5) above, the Zoning Hearing Board shall interpret the district boundaries.

7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter 27, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot.

(Ord. 8/30/1973, 8/30/1973)
Part 4
Application of District Regulations

§401. General. The regulations set by this Chapter 27 within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

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

2. No building or structure shall hereinafter be erected or altered:
   A. To exceed the height or bulk;
   B. To accommodate or house a greater number of families;
   C. To occupy a greater percentage of lot area;
   D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter 27.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter 27, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this Chapter 27 shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter 27.

5. When a specific use is either permitted or prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

6. All territory which may hereafter be annexed to the Township shall be considered to be in the Agricultural (A) District until otherwise classified.

(Ord. 8/30/1973, 8/30/1973)
$501. General. For the purpose of regulating and restricting the location of trades, industries, multiple-family houses, single-family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings, the Township is divided into eight (8) classes of use districts termed respectively:

Class A or Agricultural District
Class R-1 or Low Density Residential District
Class R-2 or High Density Residential District
Class C-1 or Retail Business District
Class C-2 or Highway Commercial District
Class M or Manufacturing District
Class AP or Airport District
Class OSC or Open Space and Conservation District

(Ord. 8/30/1973, 8/30/1973)
Part 6
A - Agricultural Districts

§601. Intent. The Agricultural District is comprised primarily of the existing agricultural area of the Township and those areas where environmental conditions are most conducive to high crop yields. While being primarily an agricultural zone, this district is also designed to facilitate those individuals who may desire to locate residences and certain nonresidential uses in a rural setting. (Ord. 8/30/1973, 8/30/1973)

§602. Permitted Uses.
2. Crop and truck farming, pasturing, truck gardening, horticulture, greenhouses, nurseries, aviaries, hatcheries, apiaries and similar enterprises.
3. Raising and keeping of poultry, rabbits, goats, and similar animals.
4. General and specialized farms, including the raising, keeping, and breeding of livestock for gain including cattle, hogs, horses, ponies, cows, sheep and similar livestock.
5. Public conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.
6. Public park and recreation areas, forest preserves, camps, game refuges and similar non-intensive public uses.
7. Public elementary and high schools and Township buildings.
8. Customary accessory uses and incidental to any of the above-permitted uses, including the following:
   A. Roadside stands for the sale of "home-grown" or "home-made" products when located not less than twenty (20') feet from the cartway of any highway.
   B. Signs as provided for and regulated in Part 18 of this Chapter.
   C. Home occupations as defined in Part 16.
10. Private nursery, elementary and high school and institutions of higher education.
11. Hospitals, convalescent homes, animal hospitals and sanitariums.
12. Golf courses and country clubs.
13. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided in Part 21 of this Chapter 27:
   A. Semi-private or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures.
B. Riding academy and stables, animal hospitals and dog kennels.

C. Commercial amusement or recreation establishments such as outdoor theaters, race tracks and other similar recreational uses requiring large segregated land areas, providing that any of these uses shall not be located nearer than one hundred (100') feet from the right-of-way of any highway.

D. Saw mills and other establishments associated with forestry.

E. Agriculturally oriented commercial establishments, i.e., farm implement dealers, and feed mills.

F. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1601 (Ord. 8/30/1973, 8/30/1973)

G. Intensive agricultural operations, provided that new structures or the renovation, conversion, or expansion of existing structures to house an intensive agricultural operation are permitted only when the following requirements are met;

(1) The minimum lot size shall be ten (10) acres.

(2) The maximum impervious lot coverage shall be ten (10) percent.

(3) No intensive livestock facility shall be permitted within five hundred (500) feet of any residential zoning district.

(4) No intensive livestock facility shall be permitted within three hundred (300) feet of any property line or road right-of-way line.

(5) Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing Board may reduce the above special setback requirements. In no case, however, shall the Zoning Hearing Board reduce any special setback requirement to less than one hundred (100) feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

(6) When engaging in subdivision or land development, the plans filed shall show, and require, on either the subdivided or land developed lot, or the remaining land, the setbacks required hereunder.

(7) The applicant shall present evidence that an Act 6 Nutrient Management Plan approved by the Lebanon County Conservation District for the proposed intensive agricultural operation has been completed.

(8) The applicant shall present evidence that the applicant has a conservation plan approved by the Lebanon County Conservation District for the proposed intensive agricultural operation.
The applicant shall construct a manure storage system, with at least six months storage capacity in compliance with the Pennsylvania Technical Guide developed by the Natural Resource Conservation Service, approved by the Lebanon County Conservation District.

The applicant shall present evidence that the applicant has a Chapter 102 erosion and sediment control plan for the proposed intensive agricultural operation approved by the Soil Conservation Service.

Where the proposed intensive agricultural operation involves more than two (2) animal equivalent units per acre, the applicant shall present evidence that the applicant has a current nutrient plan approved by the Pennsylvania Department of Environmental Protection, Bureau of Water Quality Management.

The applicant shall present to the Zoning Hearing Board a plan certified by a traffic professional that the intensive agricultural operation allows for the safe and efficient movement of all motorized vehicles associated with the intensive agricultural operation, and including but not limited to, information concerning traffic generation, size of vehicles, number of trips per day, and a design, and improvement where necessary, of each proposed entrance and/or exit to the intensive agricultural activity that does not allow mud, gravel, or other material to be deposited upon or to accumulate on or along abutting public roads.

The applicant shall provide for buffering, as determined satisfactory, by the Zoning Hearing Board with respect to any structure, access drive, parking, loading, or unloading area located within three hundred (300) feet of any residential structure or lot of record that is three (3) acres or less in size.

All manure spread on cropland shall be injected or plowed under within twenty-four (24) hours.

Operations utilizing food processing wastes shall be subject to the following:

i. All putrescible food processing wastes shall be fed to the animals on the premises or be removed from the premises within seventy-two (72) hours after delivery.

ii. All food processing waste shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.

iii. Only such food processing wastes as can reasonably be expected to be consumed by the animals on the premises shall be stored on site.

iv. Food processing waste shall be transported to and from the premises only in sealed containers.

v. The owner shall at all times comply with all applicable state and federal laws and regulations governing the transportation, storage, use, and disposal of food processing wastes.
SECTION 603. Lot Area, Building Height and Yard Requirements. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building erected or altered for any use permitted in this District.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width (')</th>
<th>Maximum Lot Coverage (%)</th>
<th>Minimum Front Yard ('')</th>
<th>Minimum Side Yard ('')</th>
<th>Minimum Rear Yard ('')</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Permitted Uses</td>
<td>60,000</td>
<td>200'</td>
<td>30%</td>
<td>50'</td>
<td>20'</td>
<td>40'</td>
</tr>
<tr>
<td>All Permitted Uses if General Landscape has Slope in Excess of 20%</td>
<td>3 acres</td>
<td>250'</td>
<td>10%</td>
<td>75'</td>
<td>25'</td>
<td>50'</td>
</tr>
</tbody>
</table>

No building with the exception of farm structures shall exceed two and one-half (2 1/2) stories or thirty-five (35') feet in height, unless authorized as a special exception.

(Ord. 8/30/1973, 8/30/1973)

SECTION 604. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27. (Ord. 8/30/1973, 8/30/1973)

SECTION 605. Agricultural Disclaimer
In Agricultural Districts agriculture is the primary use. Non-farm dwellings or uses in this district may be subject to some common characteristics of agriculture that are sometimes regarded as objectionable, including, but not limited to, odor, dust, night, holiday, early morning and weekend operation, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners, and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations.
§701. Intent. The regulations of the R-1 Residential District are designed to promote, provide for, and protect single-family residences in harmony with existing uses and physical conditions of the Township. (Ord. 8/30/1973, 8/30/1973)

§702. Permitted Uses.
2. Churches and similar places of worship.
3. Public nursery, kindergarten, elementary, and high schools, Township buildings, public parks, and playgrounds.
4. Customary agricultural operations such as gardening, truck farming, flower and tree nurseries, but not including the raising, keeping, and breeding of poultry and livestock. In no case shall manure fertilizer or other odor or dust-producing substances be stored anywhere within two hundred (200') feet of an adjoining lot line.
5. Customary accessory uses and buildings incidental to any of the above permitted uses.
6. Home occupations as defined in Part 16.
7. Signs as provided for and regulated in Part 18.
8. The following uses are permitted as special exceptions, upon issuance of a permit by the Zoning Hearing Board provided they do not have an adverse effect on the area due to noise, dirt, dust, or traffic circulation.
   A. Private nursery, elementary and high schools and institutions of higher education.
   B. Recreation areas and structures operated by membership clubs for the benefit of their members.
   C. Cemeteries, hospitals, clinics, and convalescent homes provided they do not have an adverse effect on the area due to noise, dirt, odor, or traffic circulation.
   D. Golf courses and country clubs.
   E. Commercial swimming pools.
   F. The raising, breeding, or keeping of livestock providing that the following conditions are met:
      (1) No building in which livestock, other than customary household pets, is kept shall be closer than two hundred (200') feet to any adjoining lot line.
      (2) The minimum lot size shall be ten (10) acres.
      (3) No storage of manure or odor or dust producing substances shall be permitted within two hundred (200') feet to any adjoining lot line.
G. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1601 (18).

(Ord. 8/30/1973 Revised 7/20/95)

§703. Lot Area, Building Height, and Yard Requirements. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this District. Refer to Part 16, §1601(16) for exceptions.

DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Public Utilities</th>
<th>Min. Lot Area (Sq. Ft.)</th>
<th>Min. Lot Width</th>
<th>Max. Lot Coverage</th>
<th>Yards Front Side</th>
<th>Total Sides</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>20,000</td>
<td>100'</td>
<td>30%</td>
<td>40'</td>
<td>10'</td>
<td>20'</td>
</tr>
<tr>
<td>Public Water or Sewage</td>
<td>12,000</td>
<td>100'</td>
<td>30%</td>
<td>30'</td>
<td>10'</td>
<td>20'</td>
</tr>
<tr>
<td>Public Water and Sewage</td>
<td>10,000</td>
<td>80'</td>
<td>35%</td>
<td>30'</td>
<td>10'</td>
<td>20'</td>
</tr>
</tbody>
</table>

No building shall exceed two and one-half (2½) stories or thirty-five (35') feet in height unless authorized as a special exception.


§704. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27. (Ord. 3/30/1973, 8/30/1973)
Part 8

R-2- High Density Residential Districts

§801. Intent. The regulations of the High Density Residential Districts are designed to provide for a wider range of higher density housing types where Township services and commercial facilities are most readily available. (Ord. 8/30/1973, 8/30/1973)

§802. Permitted Uses.

1. All uses permitted in the R-1 Residential District subject to the regulations of the R-2 Residential District.

2. Two-family residential structures (duplexes.)

3. Multiple-family and conversion apartment dwellings.

4. Customary accessory uses and buildings incidental to any of the above permitted uses.

5. Home occupations as defined in Part 16.

6. The following uses are permitted as special exceptions, upon issuance of a permit by the Zoning Hearing Board, provided that the proposed use is not found to have an adverse effect on the welfare of the area due to noise, odor, dust, glare, lighting, traffic circulation, or design.

   A. Special exceptions as specified in the R-1 Residential District.

   B. Mobile home parks subject to the following regulations:

      (1) A mobile home park shall contain a minimum of ten (10) acres.

      (2) Maximum density in a mobile home park or subdivision shall be five (5) units per acre.

      (3) Regardless of lot size, each mobile home shall have a minimum front yard of thirty (30') feet, rear yard of twenty-five (25') feet, and two (2) sides of ten (10') feet each. In no case shall the distance between any two (2) mobile homes be less than twenty-five (25') feet.

      (4) All roads in a mobile home park or subdivision shall be paved with an all-weather surface approved by the Township Board of Supervisors at least thirty-four (34') feet wide.

      (5) Each mobile home in a mobile home park must have at least two (2) paved parking spaces sufficient in size for at least two (2) automobiles, provided on the individual mobile home lots.

      (6) Each parking space in a mobile home park or subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

      (7) All mobile home parks shall be provided with a buffer...
yard at least fifty (50') feet in width around the park perimeter. Such yards shall be well landscaped and maintained and planted with shrubbery approved by the Zoning Hearing Board and the Township Supervisors.

(8) All mobile home parks shall be served by public water and public sanitary sewer facilities.

(9) Recreation and open space areas shall be provided at the rate of one (1) acre recreation space for every twenty (20) mobile home spaces.

(Ord. 8/30/1973, 8/30/1973)

§803. Lot Area, Building Height, and Yard Requirements. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this District. Refer to Part 16, §1601(16).

<table>
<thead>
<tr>
<th>District Requirements</th>
<th>Lot Area Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Lot Area</td>
<td>Minimum Width</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>5 acres</td>
<td>300'</td>
</tr>
<tr>
<td>Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Utilities</td>
<td>1 acre</td>
<td>80'</td>
</tr>
<tr>
<td>Public Water or Sewer</td>
<td>10,000 sq. ft.</td>
<td>80'</td>
</tr>
<tr>
<td>Public Water and Sewer</td>
<td>8,000 sq. ft.</td>
<td>70'</td>
</tr>
<tr>
<td>Semi-Detached: Water &amp; Sewer</td>
<td>6,000 sq. ft.</td>
<td>50'</td>
</tr>
<tr>
<td>* Row House</td>
<td>8 units per gross acre (maximum)</td>
<td>18'</td>
</tr>
<tr>
<td>Apartments</td>
<td>3,000 sq. ft.</td>
<td>---</td>
</tr>
</tbody>
</table>

* No group of row houses shall consist of more than six (6) units with no more than three (3) continuous row houses with the same front setback, each variation of the setback being at least four (4') feet.
No building shall exceed two and one-half (2½) stories or thirty-five (35') feet in height unless authorized as a special exception.

(Ord. 8/30/1973, 8/30/1973)

$804. Minimum Off-Street Parking Requirements. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27. (Ord. 8/3/1973, 8/3/1973)

$805. Limitations of Signs. All signs and advertising structures shall be maintained in accordance with Part 18 of this Chapter 27. (Ord. 8/3/1973, 8/3/1973)
§901. Intent. Within any large scale Higher Density Residential Neighborhood, there exists a need for certain commercial facilities to fulfill needs of persons living therein. These needs are designed to be met by providing for a retail district near the center of the present and future population concentrations of Bethel Township. (Ord. 8/30/1973, 8/30/1973)

§902. Permitted Uses.
1. Stores for the retailing of food, clothing, drugs, confectionery, hardware, sporting goods, household appliances, flowers, etc.
2. Personal service shops including barbers, beauty parlors, tailors, shoe repair, dry cleaning, laundromats, etc.
4. Restaurants, tea rooms, cafes, and other places serving food and drink, but not including drive-in restaurants.
5. Shopping centers.
6. Residential uses as specified in the high density residential districts subject to the yard and area regulations contained therein.

§903. Lot Area, Building Height, and Yard Requirements. A lot width, lot area, and yard depth of not less than the following dimensions shall be provided for every building hereafter erected or altered for any use permitted in this District.
1. Lot area - same as High Density Residential Districts.
2. Building height - no less than one (1) story nor greater than thirty-five (35') feet.
3. Front yard - thirty (30') feet.
4. Side yard, not less than ten (10') feet in width on each side of the principal building. However, in a case where two (2) or more commercial buildings could compatibly abut each other, no side yard is required between them, provided that a written agreement is made between the affected property owners.
5. Rear yard depth - twenty-five (25') feet.
6. Coverage - sixty (60%) percent maximum. (Ord. 8/30/1973, 8/30/1973)

§904. Minimum Off-Street Parking and Loading Requirements.
1. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27 and may be permitted in any required yard.
2. Each business use established or expanded after the date of adoption of this Chapter 27 shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall be not less than six hundred sixty (660) square feet in area with a dimension of twelve (12') feet by fifty-five (55') feet per space with a clearance of not less than fifteen (15') feet in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 8/30/1973, 9/30/1973)

§905. Limitations of Signs. Only those signs relating to the principal uses conducted on the premises or the principle materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Part 18 of this Chapter 27. (Ord. 8/30/1973, 8/30/1973)
§1001. Intent. The regulations of this District are designed to accommodate those kinds of commercial enterprises which are dependent on traffic generated by a major highway and are associated with automobile shopping. (Ord. 8/30/1973, 8/30/1973)

§1002. Permitted Uses.

1. All uses permitted in the Retail Business District except residential dwellings.

2. Hotels and motels.

3. Automobile dealers, repair shops, service stations, body shops, parts centers, supply centers and washes.

4. Printing and publishing establishments.

5. Shops for contractors, plumbing, heating, upholstering and other service/repair businesses.


7. Drive-in restaurants.

8. Miniature golf courses.


10. Business centers, professional or governmental offices.

11. Warehousing.

12. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1601 (18).


The following uses shall not be permitted within 1000 feet of any primary or secondary school property boundary:

A. Lumber and fuel distribution yards.

B. Hotels and motels.

C. Automobile dealers, repairs shops, body shops, parts centers, supply centers and washes.

D. Warehouses.

(Crd. C41996A 04/29/96)
§1003. Performance Required.

1. All of the uses listed in §1002 must be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and shall not be injurious or have an adverse effect on adjacent areas.

2. Should the Zoning Officer feel there is any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

(Ord. 8/30/1973, 8/30/1973)

§1004. Lot Area, Building Height and Yard Requirements.

1. Lot width, lot area, and lot depths of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this District.

<table>
<thead>
<tr>
<th>Area Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Size</td>
<td>Minimum</td>
</tr>
<tr>
<td></td>
<td>Width</td>
</tr>
<tr>
<td>1 acre</td>
<td>200'</td>
</tr>
</tbody>
</table>

2. Parking areas may be included in fifty (50%) percent of the required yards of the C-2 Commercial District except where they adjoin a Residential District. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

3. Where side or rear yards adjoin a Residential District, they shall be not less than fifty (50') feet, shall not be used for parking and shall be appropriately landscaped and maintained.

4. No building shall exceed two and one-half (2½) stories or thirty-five (35') feet in height unless authorized as a special exception by the Zoning Hearing Board.

(Ord. 8/30/1973, 8/30/1973)

§1005. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27.

2. Each business use established or expanded after the date of adoption of this Chapter 27 shall provide off-street loading and unloading space at the side or rear of the building for each four thousand (4,000) square feet of floor area in each building. Such space or spaces shall be not less than six hundred sixty (660) square feet in area with a dimension of twelve (12') feet by fifty-five (55') feet per space with a clearance of not less than fifteen (15') feet in height. Required spaces shall be located exclusive of any public right-of-way.

(Ord. 8/30/1973, 8/30/1973)

§1006. Limitations on Signs. Only those signs relating to the principal uses conducted on the premises or the principle materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Part 18 of this Chapter 27.

(Ord. 8/30/1973, 8/30/1973)
Part 11
M-Manufacturing Districts

§1101. Intent. This District is designed to promote industrial, warehousing, and wholesaling activities dependent on the availability of transport facilities and municipal utilities. The District accommodates all of these activities so as to minimize any detrimental effects that they may have on other uses in the Township. (Ord. 8/30/1973, 8/30/1973)

§1102. Permitted Uses.
1. Any use not otherwise prohibited by law of a manufacturing, fabricating, processing, packaging, compounding, or treatment nature, which in the opinion of the Zoning Officer, would be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. Should the Zoning Officer feel there is any likelihood of the aforementioned dangers or nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.
2. Warehousing and wholesaling establishments and storage yards not including junkyards.
3. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.
4. Customary accessory uses and buildings incidental to any of the above-permitted uses.
5. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided for in Part 21 of this Chapter 27.
   A. Junkyards used for storage, wrecking, and converting used or discarded materials, provided that such use is no less than one hundred fifty (150') feet from any use district other than Industrial. In addition, such use must be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than eight (8') feet and backed by a solid fence not less than six (6') feet in height.
   B. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1601 (18).

(Ord. 8/30/1973, 8/30/1973)
Amended 072095-A

§1103. Lot Area, Building Height, and Yard Requirements. A lot width, lot area and yard depths of not less than the dimensions shown in the following list shall be provided for every principle building hereafter erected or altered for any use permitted in this District.
1. Area Regulations. The width of a lot in any Industrial District shall be not less than one hundred fifty (150') feet and not more than fifty (50%) percent of the lot area shall be covered with buildings.
2. Yard Regulations. For every main or accessory building or use in an Industrial District, the minimum yard regulations are as follows:
   A. Front yards measured from the lot line to the building line shall be as follows:
1. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27.

2. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, and unloading. All such spaces shall conform to a dimension of not less than twelve (12') feet by sixty-five (65') feet or six hundred sixty (660) square feet in area, with a clearance of not less than fifteen (15') feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right-of-way or required parking area.

(Ord. 8/30/1973, 8/30/1973)

§1104. Minimum Off-Street Parking and Loading Requirements.

1. Off-street parking shall be provided in accordance with Part 17 of this Chapter 27.

2. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading, and unloading. All such spaces shall conform to a dimension of not less than twelve (12') feet by sixty-five (65') feet or six hundred sixty (660) square feet in area, with a clearance of not less than fifteen (15') feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right-of-way or required parking area.
<table>
<thead>
<tr>
<th>Gross Floor Area (Sq. Ft.)</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>1 space</td>
</tr>
<tr>
<td>10,000 to 50,000</td>
<td>1 space plus 1 additional space for each 20,000 sq. ft.</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>3 spaces plus 1 additional space for each 40,000 sq. ft. in excess of 50,000 sq. ft.</td>
</tr>
</tbody>
</table>

(Ord. 8/20/1973, 8/20/1973)
Part 12
AP - Airport District

§1201. Intent. The purpose of the Airport Zoning District shall be to promote the harmonious arrangement and development of land uses surrounding an airport; to encourage the types of development having maximum compatibility with aircraft operations; and to protect and promote the public utility of the airport. This Zoning District shall be applied to airport land areas and to other surrounding areas closely related to airport boundaries and/or operations. (Ord. 8/30/1973, 8/30/1973)

§1202. Delineation of District. The Airport District, at a minimum, is determined by the size of the airport approach areas. This approach area is defined as a three hundred (300') foot wide area lying within and below an inclined plane extending outward horizontally one thousand (1,000') feet at a ratio of one (1') foot of height for each twenty (20') feet from each end of the runway. This criteria has been applied as a minimum standard in the establishment of the Airport District with perimeter areas being included wherever necessary to provide for possible future airport expansion and still provide for the public safety. (Ord. 8/30/1973, 8/30/1973)

§1203. Permitted Uses.
1. Open land uses, including:
   A. Agriculture, forestry, horticulture, nurseries, and similar uses.
   B. Cemeteries.
   C. Public and private recreation areas such as fish hatcheries, game preserves, golf courses, parks, picnic groves and shooting ranges.
   D. Township service areas such as sewage disposal plants, water treatment plants, reservoirs and public utility facilities.
   E. Any structures necessary for the operation and storage of the above-mentioned uses, provided no structures are used for permanent human habitation.
   F. Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1501 (18).
2. Airports and airport-related uses.
(Ord. 8/30/1973, 8/30/1973)

§1204. Special Requirements. The following special requirements shall apply to each permitted use:
1. Lighting.
   A. Any pulsating or flashing lighting is prohibited.
   B. Radio and Electric. Any radio or electronic device shall be permitted only when licensed by the Federal Communications Commission.
   C. Smoke. Any operation emitting smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.
(Ord. 8/30/1973, 8/30/1973)
§1205. Lot Area, Yard and Building Height Requirements. A lot width, lot area, lot depth and building height of the following dimensions shall be provided for every principal structure erected or altered for any use permitted in this District.

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>Airport</td>
<td>20 acres</td>
<td>200'</td>
</tr>
<tr>
<td>All Other Permitted Uses</td>
<td>2 acres</td>
<td>30'</td>
</tr>
</tbody>
</table>

No building, structure or airport hazard shall exceed one (1') foot in height for each twenty (20') feet from the end of an established airport runway, with no structures or airport hazards to exceed thirty-five (35') feet in height anywhere within the District.

(Ord. 8/30/1973, 8/30/1973)

§1206. Other Regulations. Minimum off-street parking, sign and other pertinent regulations shall apply as specified in other sections of this Chapter 27. (Ord. 8/30/1973, 8/30/1973)
$1301. \text{Intent.} \quad \text{These provisions are intended to prevent the creation of health and safety hazards, the needless loss of life or property from possible natural catastrophe and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. Additionally, these regulations are designed to prohibit or restrict construction of any mobile home, permanent building or structure, or uses and activities in any floodplain district in order to minimize future flood damage as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around water courses and induce flooding conditions. (Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1301)}$

$1302. \text{Definition of Terms Utilized in Floodplain Districts.}$

\text{ALLUVIAL SOILS MAPS} - soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

CONSTRUCTION - the term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. For floodplain purposes, "construction" includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Township.

DEVELOPMENT - any man-made change to improved or unimproved real estate including, but not limited to, buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

FLOOD - a temporary inundation of water on normally dry land areas.

FLOOD FRINGE (F-3) - the portion of the one hundred (100) year floodplain located outside the floodway and for which flood elevations have been determined.

FLOODPLAIN - (1) a relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation by water; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOODPLAIN DISTRICTS - the zoning districts that establish the bounds of the one hundred (100) year floodplain as identified by the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2), and Flood Fringe (F-3) Districts.

FLOODWAY (F-2) - that portion of the one hundred (100) year floodplain including the channel of a river or other watercourse and adjacent land areas which are required to carry and discharge the one
hundred (100) year flood where the activities permitted elsewhere in
the floodplain district will not cumulatively increase the water
surface elevation more than one (1) foot at any given point. The
detailed study of the regulatory flood provides specific flood pro-
files and allows for the delineation of both floodway and flood
fringe areas within the bounds of the floodplain.

APPROXIMATED FLOODPLAIN DISTRICTS (F-1) - the Approximated
Floodplain District shall be that floodplain area for which no
specific flood profiles have been provided. Where the specific one
hundred (100) year flood elevation cannot be determined for this area
using other sources of data such as the U.S. Army Corps of Engineers,
Floodplain Information Reports, U.S. Geological Survey Flood Prone
Quadrangles, etc., the applicant for the proposed use, development
and/or activity shall determine this elevation in accordance with
hydrologic and hydraulic engineering techniques. Consideration shall
be given to the methods specified by the U.S. Water Resource Coun-
cil's Technical Bulletin No. 17. This elevation information shall be
subject to review by the Township and other agencies that it shall
designate, such as the Corps of Engineers, the Department of Environ-
mental Resources, a river Basin Commission, etc.

ONE HUNDRED (100) YEAR FLOOD (REGULATORY FLOOD) - a flood that,
on the average, is likely to occur once every one hundred (100) years
(i.e. that has a one (1%) percent chance of occurring each year
although the flood may occur in any year).

ONE HUNDRED (100) YEAR FLOODPLAIN - (1) the relatively flat or
low land area adjoining a river, stream, or watercourse, which is
subject to partial or complete inundation on the average of once every
one hundred (100) years; (2) an area subject to the unusual and rapid
accumulation or runoff of surface water from any source on the average
of once every one hundred (100) years.

REGULATORY FLOOD - the flood which has been selected to serve as
the basis upon which the floodplain management provisions of this and
other ordinances have been prepared; for purposes of this Part, the
one hundred (100) year flood, as defined by the Federal Insurance
Administrator.

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood
elevation based upon the information contained in the Official Flood
Insurance Study.

START OF CONSTRUCTION - the first placement of permanent con-
struction of a structure (other than a mobile home) on a site, such as
the pouring of slabs or footings or any work beyond the stage of
excavation. Permanent construction does not include land preparation,
such as clearing, grading, and filling, nor does it include the
installation of streets and/or walkways; nor does it include excava-
tion for a basement, footings, piers, or foundations or the erection
of temporary forms; nor does it include the installation on the
property of accessory buildings, such as garages or sheds not occupied
as dwelling units or not as part of the main structure. For a struc-
ture (other than a mobile home) without a basement or poured footings,
the "start of construction" includes the first permanent framing or
assembly of the structure or any part thereof on its piling or founda-
tion. For mobile homes not within a mobile home park or mobile home
subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

SUBSTANTIAL IMPROVEMENT - any reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Part, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

TOXIC MATERIALS - the following materials and substances which are listed in §38.7 of the Department of Community Affairs Floodplain Management Regulations, adopted pursuant to the Pennsylvania Floodplain Management Act (Act 1978-166), have been determined to be dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Pesticides, (including insecticides, fungicides, and rodenticides)
16. Sodium
17. Sulphur and sulphur products
18. Radioactive substances, insofar as such substances are not otherwise regulated.

(Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1302)

§1303. Delineation of Districts.

1. The floodplain districts shall include all areas subject to inundation by flood waters of the regulatory flood. The basis for the delineation of the three (3) floodplain districts (Approximated Floodplain, Floodway, and Flood Fringe Districts) shall be the Flood Boundary/Floodway Map (dated September 30, 1981) and the Official Flood Insurance Study prepared by the Flood Insurance Administrator.

2. Three (3) separate districts are necessary to equitably enforce floodplain management controls in the floodplain districts.
The Approximated Floodplain District (F-1) shall include all areas of the Township subject to inundation by flood waters of the regulatory flood for which no specific flood profiles have been provided. The actual elevation and extent of the district is to be determined by the regulatory flood elevation. In order to determine the regulatory flood elevation, the following variety of sources of data shall be used.

A. Alluvial Soil Maps prepared by the U.S. Soil Conservation Service
B. Local data from the 1972 flood
C. Army Corps of Engineers - Floodplain Information Reports
D. U.S. Geological Survey - Flood Prone Quadrangles
E. Other available sources of Floodplain Information

3. In lieu of the previously mentioned, the Township shall require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township or a qualified agent thereof.

4. The Floodway District (F-2), where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Part using criteria that a certain area within the floodplain must be capable of carrying the water of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Boundary/Floodway Map. In the Flood Fringe District (F-3), where the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the Flood Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one hundred (100) year flood elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

5. The delineation of the Floodplain, Approximated Floodplain, Floodway, and Flood Fringe Districts may be revised by the Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, river basin commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Insurance Administrator.

6. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Administrator. Where interpretation is needed concerning the exact location of any boundary of the floodplain districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the
responsibility of the appellant, and he shall provide any and all technical
information to support his case.

(Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391,
6/13/1991, §1303)

§1304. District Provisions.

1. All uses, activities, and development occurring within the Approximated Floodplain, Floodway, or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances, such as the Lebanon County Floodproofing Building Code and the subdivision and land development regulations for Lebanon County.

2. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

3. No structure, including mobile homes, or land shall hereinafter be used and no structures, including mobile homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

4. All permitted uses shall be regulated by the provisions of the nearest zoning district. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway, or Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the floodplain districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the floodplain districts are located.

A. Approximated Floodplain (F-1) and Floodway (F-2) Districts. In the Approximated Floodplain and Floodway Districts no development, including mobile homes, shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted provided that they are in compliance with the provisions of the nearest zoning district, will not result in any increase in the level of the regulatory flood anywhere, are not prohibited by this or any other ordinance, and provided that they do not require structures, mobile homes, fill, vehicles, or parts thereof, storage of materials and equipment, substantial improvement or other development:

(1) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.

(2) Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing
areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

(3) All uses customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris; impervious parking and loading areas; and airport landing strips.

(4) The following uses and activities are permitted as special exceptions upon approval of the Zoning Hearing Board, provided that they are in compliance with the provisions of the nearest zoning district, the provisions of the Lebanon County Floodproofing Building Code, will not raise the level of the regulatory flood at all and are not prohibited by any other ordinances.

(a) Structures accessory to the uses and activities in §1304(1) above, but shall not be construed to include mobile homes, vehicles or parts thereof.

(b) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

(c) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

(d) Extraction of sand, gravel, and other materials.

(e) Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.

(f) Other similar uses and activities provided they cause no increase in flood height and or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

(g) Communications towers and antenna for the purpose of facilitating communications services, and attendant support structures in accordance with §1601 (18).

B. Flood Fringe District (F-3). In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with the Lebanon County Floodproofing Building Code and any other applicable codes and ordinances.

C. Prohibited Uses. In the Floodway (F-2), Flood Fringe (F-3), and Approximated Floodplain Districts (F-1) the following uses and
activities are strictly prohibited:

(1) Hospitals, sanitariums, sanatoriums, clinics, etc.
    whether public or private.

(2) Public or private nursing homes.

(3) Jails or prisons.

(4) Public or private schools or institutions of higher education.

5. New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.

6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons of such materials or any amount of radioactive substances.

7. Any other use, activity, or development not specifically permitted under the terms of this Part.

(Ord. 8/30/1973; as amended by Ord. 7/18 1975; and by Ord. 061391, 6/13/1991, §1304).

§1305. Additional Safeguards.
1. No part of any private on-lot sewage disposal system shall be constructed within the floodplain districts.

2. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

3. The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.

4. Use of fill is prohibited within the Approximated Floodplain and Floodway Districts, unless the property owner or applicant provides a document acceptable by the Zoning Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with other anticipated development, will not result in an increase in the water surface elevation of the regulatory flood at any point. Use of fill in the Flood Fringe District is permitted only when in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.

5. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Also, adjacent communities, the Department of Community Affairs, and the Flood Insurance Administrator must be notified. Additionally, the Township must be assured that the flood carrying capacity of an altered or relocated watercourse is maintained.

6. The placement or replacement of any mobile homes in the Floodway (F-2) or Approximated Floodplain (F-1) Districts is prohibited, except as replacement units in existing mobile home parks and existing mobile home subdivisions. Said replacement units shall comply with the special anchor-
§1306. Factors to be Considered by the Zoning Hearing Board when Reviewing Special Exceptions and Variances.

1. In reviewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Chapter, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other ordinances and shall apply all of the following factors:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.

J. The safety of access to the property in times of flood by ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

L. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate.

M. No variance shall be granted to allow either in whole or in part any prohibited use listed in §1304 of this Part.

N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums.
O. Variances shall not be given in the floodway that result in any increase in flood levels during the one hundred (100) year flood.

P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended)

Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.

R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. Increased insurance premium rates will result; and

2. Construction occurring below the one hundred (100) year flood level will increase risks to life and property.

S. Other factors which are relevant to the purpose of this Chapter.

(Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 61391, 6/13/1991, §1306)

§1307. Nonconformities. A structure, or use of a structure or land which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions, may be continued subject to the following:

A. Existing nonconforming structures or uses located in the Floodway (F-Z) or Approximated Flood Plain (F-1) Districts:

1. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the regulatory flood.

2. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed twenty five (25%) percent of the area of the first floor of the structure existing at the time of adoption of this Part, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable flood proofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

B. Existing nonconforming structures or uses located in the Flood Fringe (F-3) District:

1. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Chapter, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

2. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Chapter, and provided
that said enlargement or expansion complies with the above requirements (a), (b), and (c) of §1307(A)(2).

C. If any nonconforming structure or use, including mobile homes, located in the floodplain districts is demolished, removed, or destroyed by any means, including floods, to an extent of fifty (50%) percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Chapter, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

(Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1307)

§1308. Lot Area, Yard and Sign Requirements. The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district. (Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1308)

§1309. Additional Administrative Requirements.

1. To insure that all construction and development within identified floodplain areas will be conducted employing flood damage controls, the Zoning Administrator shall require the following specific information to be included as part of an application for a permit:

A. A plan which accurately locates the proposed construction and/or development with respect to the floodplain area boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

   (1) All such proposals are consistent with the need to minimize flood damage.

   (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

   (3) Adequate drainage is provided to reduce exposure to flood hazard.

B. Such plan shall also include existing and proposed contours and elevations of the grounds, regulatory flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures.

C. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Chapter, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

2. Review of Application by County Conservation District. A copy of all plans and application for construction and/or development in the identified floodplain areas to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of
the Conservation District shall be considered by the Zoning Administrator for possible incorporation into the proposed plan.

3. Review of Applications by Others. A copy of all plans and specifications for construction and/or development in the identified floodplain areas to be considered for approval may be submitted by the applicant at the discretion of the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, Township Engineer, etc.) for review and comment prior to the issuance of a building permit.

4. A record of all variances granted, including their jurisdiction, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

(Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1309)

§1310. Conflicting Ordinances. Ordinances or parts of ordinances in conflict with this Part, or inconsistent with the provisions of this Part are hereby repealed to the extent necessary to give the Floodplain District full force and effect. (Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1310)

§1311. Statement of Disclaimer. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made thereunder. (Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1311).

§1312. Building Permits Required. Building permits shall be required before any proposed construction, substantial improvement, or development is undertaken within any identified flood prone area of the Township. Prior to issuance of any building permit, the applicant shall submit to the Zoning Administrator copies of all other required State and Federal permits. (Ord. 8/30/1973; as amended by Ord. 7/18/1975; and by Ord. 061391, 6/13/1991, §1312)
Part 14
Planned Residential Development

§1401. Intent. In order to provide for a wide range of housing types and new design innovations in the field of residential development and at the same time assure the necessary amenities for residential living as provided for in all residential districts, §1402 is included to assure the necessary ordinance flexibility for this kind of development. §1402 shall apply only to Residential or Agricultural Districts. (Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975, §14.1)

§1402. Procedure.

1. An application for a permit authorizing a modification of the strict requirements of this Chapter 27 for a Planned Residential Development must be made to the Planning Commission in three (3) copies. This application shall contain the following information:

   A. A legal description of the property under consideration which shall be a minimum of twenty-five (25) acres in area.

   B. A scaled topographic map of the entire parcel with a contour interval of not less than two (2') feet.

   C. A site plan showing the location of all existing and proposed buildings and structures, parking lots, buffer strips, plantings, streets, public ways, and curb cuts.

   D. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces with indication of the organization to own and maintain such open space.

   E. A location map showing the location of the site in relation to the surrounding area.

   F. Architectural sketches, at the appropriate scale, showing building height, bulk, interior layout, and proposed use.

   G. A feasible proposal for sanitary sewers and storm water control.

   H. The substance of covenants, grants of easement, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements of grants for public utilities.

   I. The required modifications in the land use regulations otherwise applicable to the subject property.

   J. A schedule showing the proposed times within which applications for final approval of all sections of the Planned Residential Development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually until the development is completed and accepted.

2. The Planning Commission shall refer the application to the Township Supervisors and the County Planning Department for study and recommendation. The two agencies shall be required to make comment to the
Planning Commission within thirty (30) days or the right to review will be considered forfeited.

3. Public Hearings.

A. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Chapter, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors.

B. Public notice shall be given and written 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 of Supervisors. 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.

C. 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 of Supervisors, and any other person including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

D. The chairman, or acting chairman in the absence of the chairman, of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. 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.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or shall be paid by the person appealing from the decision of the Board of Supervisors 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.

H. The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the
parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

I. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

[Ord. 061490]

4. Within thirty (30) days following the conclusion of the public hearing, the Planning Commission shall make a written report by certified mail to the applicant. Said report shall:

A. Grant tentative approval of the development plan as submitted.

B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.

C. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Planning Commission of his refusal to accept all said conditions, in which case the Planning Commission shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period notify the Planning Commission of his refusal to accept all said conditions, tentative approval of the development plan, with all stated conditions, shall stand as granted.

The granting or denial of tentative approval, the official written report shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial; also contained in the report shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

A. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township.

B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are or are not deemed to be in the public interest.

C. The purpose, location, and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public
services; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.

E. The relationship, beneficial or adverse, or the proposed planned residential development to the neighborhood in which it is proposed to be established.

F. The time period within which an application for final approval shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than three (3) months and, in the case of the phased development, not less than twelve (12) months for applications of each part of the plan.

5. The official written report shall be certified by the Secretary of the Planning Commission and filed in his office. Where tentative approval has been granted, the same shall be noted on the zoning map.

Tentative approval shall not qualify a plat of the planned residential development for recording, development, or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked, nor otherwise impaired by action of the Township, if the time periods for submission of final application specified in said written report are being fulfilled, without the consent of the applicant.

In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies the Planning Commission in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Chapter as otherwise applicable thereto and the same shall be noted on the zoning map and in the records of the Township Planning Commission.

6. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Planning Commission within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision stated within the Lebanon County Subdivision Ordinance. A public hearing on an application for final approval of the development plan or part thereof shall be required, provided the development, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval.

A. When the final application has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the ordinance and the official written report of tentative approval, the Township Planning Commission, within thirty (30) days of such filing, shall grant final approval to said plan.

B. When the final application contains variations from the plan given tentative approval, the Planning Commission may refuse to grant final approval and shall within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the
event of such refusal, the applicant may either: refile his application without objected variations or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan shall be deemed to be abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval; but the written report shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval.

7. A development plan or any part thereof which has received final approval shall be certified by the Planning Commission and filed within ninety (90) days with the Lebanon County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Planning Commission shall become null and void. No development shall take place until the plan has been recorded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

8. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, the landowner shall so notify the Planning Commission in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the Bethel Township Zoning Ordinance [this Chapter 27].

9. Any decision of the Planning Commission under this Part 14 granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 7/18/1975, 7/18/1975)

§1403. Planned Development Standards.

1. Dwelling Units Permitted. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting fifteen (15%) percent of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The Planning Commission shall determine the appropriate percentage of multi-family dwellings and/or commercial uses permitted in the development depending upon the size of the development and the character of the area in which such development is located; provided, however, that in no case shall more than fifty (50%) percent of the net developable land area be developed into multiple dwellings and no more than six (6%) percent of the net developable land area shall be developed into commercial uses.
2. Lot Area and Frontage. The minimum lot area and minimum lot frontage of dwelling lots established within the development shall not be less than one-half (½) of the normal minimum lot area or minimum lot frontage of the district in which the lot is located.

3. Water Supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to the Board of Supervisors that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, which ever is appropriate, shall be acceptable evidence. [Ord. 061490]

4. Other Requirements. All other applicable provisions of this Chapter 27, such as off-street parking regulations and limitations of signs shall apply to the planned unit development. Layout and improvement of streets and driveways shall conform to Chapter 22, Subdivision and Land Development, and other regulations pertaining thereto established by the Township Supervisor.

[Ord. 061490]

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 061490, 6/14/1990)

§1404. Enforcement Remedies.

1. Any person, partnership or corporation, who or which has violated the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part 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 attorney fees collected for the violation of this Part shall be paid over to the Township.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 061490, 6/14/1990)
Part 15
Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Premises, and Non-Conforming Characteristics of Use

§1501. Intent.
1. Within the District established by this Chapter 27 or amendment that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use, which were lawful before this Chapter 27 was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter 27 or future amendment. It is the intent of this Chapter 27 to permit these non-conformities to continue until they are removed. It is further the intent of this Chapter 27 that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

2. Non-conforming uses are declared by this Chapter 27 to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Chapter 27 by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the District involved.

3. To avoid undue hardship, nothing in this Chapter 27 shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter 27 and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. 8/30/1973, 8/30/1973)

§1502. Non-Conforming Lots of Record.
1. In any district a permitted building and customary accessory buildings may be erected on any single lot on record at the effective date of adoption or amendment of this Chapter 27, notwithstanding limitations imposed by other provisions of this Chapter 27. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this District, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the District in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

2. If one (1) or more lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the
Township Supervisors, they may be developed according to the recorded plan even though said lots may not conform with the requirements for area or width or both that are generally applicable in the District. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this Chapter 27.

(Ord. 8/30/1973, 8/30/1973)

§1503. Non-Conforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage of this Chapter 27, lawful use of land exists which would not be permitted by the regulations imposed by this Chapter 27, and where such use involves no individual structure with a replacement cost exceeding one thousand ($1,000.00) dollars, the use may be continued so long as it remains otherwise lawful, provided;

1. If any non-conforming use of land ceases for any reason for a period of more than ninety (90) continuous days, any subsequent use of such land shall conform to the regulations specified by this Chapter 27 for the District in which such land is located.

2. No additional structure not conforming to the requirements of this Chapter 27 shall be erected in connection with such non-conforming use of land.

(Ord. 8/30/1973, 8/30/1973)

§1504. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter 27 that could not be built under the terms of this Chapter 27 by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed in a manner which increases its non-conformity.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

(Ord. 8/30/1973, 8/30/1973)

§1505. Non-Conforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of one thousand ($1,000.00) dollars or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this Chapter 27, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Chapter 27 in the district in which it is located shall be enlarged or extended, except on contiguous property owned at the time of adoption of
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter 27.

3. Any non-conforming use of a structure, or structures and premises, may as a special exception be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter 27.

4. Any structure, or structure and land in combination, in or which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the non-conforming use may not thereafter be resumed.

5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this Subsection (5) is defined as damage to an extent of more than ninety (90%) percent of the replacement cost at the time of destruction.

(Ord. 8/30/1973, 8/30/1973)

§1506. Repairs and Maintenance. Nothing in this Chapter 27 shall be deemed to prevent any repairs or maintenance of a non-conforming building or structure. (Ord. 8/30/1973, 8/30/1973)

§1507. Uses under Special Exception Provisions not Non-Conforming. Any use which is permitted as a special exception in a district under the terms of this Chapter 27 (other than a change through Zoning Hearing Board action from a non-conforming use to another use not generally permitted in the District) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use. (Ord. 8/30/1973, 8/30/1973)

§1508. Non-Conforming Signs. Any sign erected, constructed or placed before the effective date of this Chapter 27 may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of Part 18 of this Chapter 27; provided that no such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions of Part 18 of this Chapter 27, and provided further that every such sign which does not so conform shall, within five (5) years of the day when this Chapter 27 becomes effective, be either removed or made to conform as stated in Part 18 of this Chapter 27. Any sign which does not presently conform as stated may, nevertheless, be altered or relocated during the five (5) year period provided that it is to altered or relocated to become more conforming than in its original state. (Ord. 8/30/1973, 8/30/1973)
§1601. General Regulations.

1. Visibility at Intersections. On a corner lot in any district, a clear sight triangle shall be provided at all street and alley intersections. Within such triangles, no vision-obstruction object other than utility poles shall be permitted which obscures vision above the height of thirty (30") inches and below ten (10') feet measured from the centergrade line of intersecting streets. Such triangles shall be established from a distance of seventy-five (75') feet from the point of intersection of the center lines of the intersecting streets, except that clear sight triangles of one hundred (100') feet shall be provided for all intersections with arterial and major streets as designated in the Township comprehensive plan.

2. Fences, Walls, and Hedges. Notwithstanding other provisions of this Chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides of the front edge of any front yard shall be over thirty (30') inches in height.

3. Accessory Buildings. No separate accessory building shall be permitted in any required front or side yard. In rear yards, they shall not be permitted within ten (10') feet of any lot line, except where abutting a public street or alley, in such case, a garage shall be no less than twenty (20') feet from the right-of-way of said street or alley.

4. Erection of More than One 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 yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

5. Exception to Height Regulations. The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

7. Parking, Storage, or Use of Major Recreational Equipment. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a Residential or Agricultural District except in a carport 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 and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

8. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind without current license plates and/or State inspection shall not be parked or stored on any residentially zoned property other than in completely enclosed structures, or as otherwise permitted by the Township. [Ord. 061490]

9. Animals and Poultry. Operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying, and poultry shall be permitted in the Agricultural District, and in the other districts as provided herein subject to the following restrictions:

A. Buildings in which animals or poultry are kept shall not hereafter be erected within two hundred (200') feet of any lot line.

B. Storage of manure or odor or dust producing substances shall not be permitted within two hundred (200') feet of any lot line. This does not in any way prohibit the spreading of manure or commercial fertilizer on crop land.

Section 4. To the extent to which the provisions of subsection 9 of section 1601 of Part 16 are inconsistent with the amendments set forth in this ordinance, the same are hereby repealed.

10. Corner Lot Restrictions. On every corner lot, there shall be provided on the side street a side yard equal in depth to the required front yard of all other properties along said side street, unless such lot is bounded by a public thoroughfare or private road which is less than twenty (20') feet in width (right-of-way). Then those requirements indicated for interior lots shall apply.

11. Lot Area and Lot Width for Lots not Served with Public Water and/or Sanitary Sewers. Where a lot is not served by a public water supply and/or sanitary sewer system and the County Subdivision Regulations or State or other local laws or ordinances in force require a higher standard for lot area or lot width than this Chapter 27, the more restrictive regulations of such ordinance or laws shall apply.

12. Projections into Yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not under roof or otherwise enclosed and are not closer than five (5') feet to any adjacent property line.

B. Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than five (5') feet into any required yard nor closer than five (5') feet to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5') feet into any required yard nor closer than five (5') feet to any adjacent property line.

A. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four (24") inches or more must be located in a rear or side yard only. Such pools shall be not less than fifteen (15') feet from side and rear property lines, with a continuous fence not less than four (4') feet in height above the ground level.

B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15') feet from side or rear property lines.

C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5') feet of any property line.

D. Nothing in this Subsection shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

14. Municipal Uses. In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended or designed for municipal uses, including Township recreation uses.

15. Public Utilities Exempt. The regulations of this Chapter 27 shall not apply to any existing or proposed building, or extension thereof, used or to be used by a Public Utility Corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

16. Home Occupation Regulations. In any district, any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling or accessory building for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) small nameplate as provided in Part 18.

B. Home occupations shall be limited to the employment of not more than one (1) assistant.

C. The home occupation shall be conducted wholly within the dwelling or accessory building and shall not occupy more than twenty-five (25%) percent of the area of the first floor of the dwelling nor more than five hundred (500) square feet.

D. All parking shall be off-street and two off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.
17. **Gasoline Pumps and All other Service Equipment.** Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25') feet from any lot line and/or street right-of-way and located so that vehicles stopped for service will not extend over the property line.

18. **Communications Towers and Antenna.**

   A. A communications tower or antenna that is mounted on an existing structure and which does not extend more than ten (10) feet higher than the structure on which it is located is permitted as of right in the Agricultural District, Low Density Residential District, Highway Commercial District, Manufacturing District, Airport District and Flood Plane District (F-1, F-2, F-3). All other uses associated with the communications tower or antenna, including but not limited to a maintenance facility, or vehicle and equipment storage shall not be located on the property unless such use is permitted within the zoning district and all appropriate permits and approvals are obtained.

   B. A communications tower or antenna that is either not mounted on a existing structure or is more than ten (10) feet higher than the structure on which it is mounted is permitted by special exception in the Agricultural, Low Density Residential District, Highway Commercial District, Manufacturing District, Airport District and Flood Plane District (F-1, F-2, F-3), subject to the following:

   1. The applicant shall be required to demonstrate, using technological evidence, that the communications tower or antenna is best located at the site proposed, in order to satisfy the function of the communications tower or antenna within the larger communications system.

   2. The applicant must demonstrate that the communications tower or antenna is the minimum height required to function satisfactorily.

   3. If a new communications tower or antenna support structure is constructed (as opposed to not being the tower or antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

      (a) 30% of height of support structure;
      (b) the minimum setback in the underlying zoning district;
      (c) Forty (40) feet.
4. The applicant shall demonstrate that the proposed tower or antenna support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.

5. A fence and screening shall be required around the tower or antenna support structure and other equipment, unless the tower or antenna is mounted on an existing structure. The fence and screening shall be in accordance with the relevant fencing and/or screening provisions of the zoning district in which the tower or antenna is to be erected.

6. The applicant must be licensed by the Federal Communications Commission.

7. No tower or antenna may be artificially lighted except when required by the Federal Aviation Administration.

8. All other uses associated with the communications tower or antenna such as business office, maintenance depot or vehicle storage shall not be located on the tower or antenna site unless the use is otherwise permitted in the zoning district in which the tower or antenna is located.

(Ord. 8/30/1973, 8/30/1973; as amended by Ord. 072095-A, 7/20/1995)
Part 17
Off-street Parking

§1701. Off-street Parking Facilities, When Required. Accessory off-street parking facilities, including access driveways shall be required in accordance with the provisions of this Part 17 as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

1. Whenever a building is constructed or a new use established;
2. Whenever the use of an existing building is changed to a use requiring more parking facilities;
3. Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Chapter 27.

(Ord. 8/30/1973, 8/30/1973)

§1702. Continuation of Parking Facilities.

1. All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

2. In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking; such covenant to be filed for record with the Recorder of Lebanon County.

(Ord. 8/30/1973, 8/30/1973)

§1703. Standards and Definitions. For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

ACCESSORY PARKING SPACE - an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use. Each parking space shall be not less than ten (10') feet wide and not less than twenty (20') feet long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

FLOOR AREA - the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule in §1704, only the floor area used by a specific use.

REQUIRED MINIMUM PARKING SPACE - the minimum number of spaces required by applying the schedule in §1704 to a specific building or group of buildings.
SEAT - the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30") inches on center.

(Ord. 8/30/1973, 8/30/1973)

§1704. Schedule of Required Off-Street Parking Spaces.

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>Civic and educational; primary and secondary school; library, places for public assembly</td>
<td>1 space for each employee plus 1 space for each 6 seats in assembly rooms.</td>
</tr>
<tr>
<td>Governmental; municipal building used for administrative functions</td>
<td>1 space for each 200 sq. ft. of office floor area plus 1 space for each 4 seats in assembly rooms</td>
</tr>
<tr>
<td>Place of worship</td>
<td>1 space for each 3 seats in principal assembly rooms</td>
</tr>
<tr>
<td>Welfare: Hospital</td>
<td>1 space per 2 beds plus 1 space for each employee</td>
</tr>
<tr>
<td>Health Center</td>
<td>1 space per 150 sq. ft. floor area</td>
</tr>
<tr>
<td>Home for the aging, nursing homes</td>
<td>1 space for each 4 guest rooms or apartment units plus 1 space for each employee</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>One, two and multi-family residences</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td><strong>Office Building</strong></td>
<td></td>
</tr>
<tr>
<td>Medical and dental offices and clinics</td>
<td>1 space per 150 sq. ft. of floor area plus 1 space for each doctor and dentist</td>
</tr>
<tr>
<td>Other offices</td>
<td>1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor areas of upper floors</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel, hotel</td>
<td>1 space per guest room or unit</td>
</tr>
</tbody>
</table>
Mortuary
1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces

Retail stores, banks, service establishments
1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors

Eating places, bars, taverns
1 space per 500 sq. ft. of floor area, or 1 space per 2 seats, whichever requires the greater number of spaces

Club, lodge, or other assembly hall
1 space per 4 seats in building

Indoor theater
1 space per 4 seats in building

Dance hall, skating rink, swimming pool
1 space per 50 sq. ft. of area used for dancing, skating or swimming

Bowling alley
6 spaces per bowling lane

Service and storage establishments
1 space for every 2 employees on the combined employment of the 2 largest successive shifts

Executive offices, sales offices
1 space per 200 sq. ft. of executive and sales office floor area

Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district
1 space for every 2 employees on the combined employment of the two largest successive shifts

For a specific building or use not scheduled, the Zoning Officer shall apply the unit measurement of the above schedule deemed to be most similar to the proposed building or use.

(Ord. 8/30/1973, 8/30/1973)
$1705. Separate or Combined Use of Facilities. A building containing one (1) use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two (2) or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use. (Ord. 8/30/1973, 8/30/1973)

$1706. Parking and Garage Facilities for Residences. Accessory parking facilities shall be located on the same lot as the dwelling served. Each single-family, duplex, two-family and multi-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two (2) passenger automobiles for each dwelling unit on the premises. (Ord. 8/30/1973, 8/30/1973)

$1707. Access Drives to Parking Areas.
1. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least thirty-five (35') feet from the right-of-way line of the nearest intersecting street. 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 exit from the parking area. In no case shall there be more than two (2) driveways for each one hundred (100') feet of frontage on any street.

2. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street property line, shall conform to the following schedule:

<table>
<thead>
<tr>
<th>Width (Feet)</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>One lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

3. In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15') feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street. (Ord. 8/30/1973, 8/30/1973)

$1708. Improvements to Parking and Loading Areas. All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over on the public sidewalks or roadways or onto other
premises. The maximum grade of the parking area shall not exceed two (2\%) percent. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Township Supervisors may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use or district. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors. (Ord. 8/30/1973, 8/30/1973)

$1709. Illumination of Parking and Loading Areas. Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be excessive brightness or cause a glare hazardous to pedestrians or drivers. (Ord. 8/30/1973, 8/30/1973)

$1710. Approval of Parking and Loading Plans. Detailed drawings of off-street parking and loading areas (except for one and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Part 17. In instances when the drawings do not show full compliance with the requirements of the Article, the Zoning Officer shall reject the plans. The decisions of the Zoning Officer may be appealed to the Zoning Hearing Board who may, in specific cases, when the size, shape, or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Part 17, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Part 17. (Ord. 8/30/1973, 8/30/1973)
Part 18
Signs and Advertising Structures

§1801. General Authority. Signs may be erected and maintained only when in compliance with the provisions of this Chapter 27 and any and all other ordinances and regulations relating to the creation, alteration, or maintenance of signs and similar devices. (Ord. 8/30/1973, 8/30/1973)

§1802. Area of Sign. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or printed 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. Double face signs shall be considered one (1) sign. (Ord. 8/30/1973, 8/30/1973)

§1803. General Regulations. All signs and/or advertising structures, where permitted in this Chapter 27, are subject to the following:

1. It shall not contain moving parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.

2. It shall not cast objectionable light upon any dwelling or mixed use dwelling on a separate lot.

3. It shall be no higher than thirty-five (35') feet from the ground to the highest part of the sign.

4. It shall not be so erected as to obstruct entrance to or exit from a required door, window, fire escape, or other required exitway and shall not project over a public right-of-way.

5. Temporary signs of painters, mechanics, contractors, and the like are permissible in all districts, provided such signs are removed as soon as work is completed on the premises.

6. Temporary signs and banners of a non-commercial nature across the right-of-way are permitted provided permission is obtained from the Township Supervisors, providing it is erected in a location in which it will not cause a traffic hazard, provided it meets safety standards and is maintained, provided it is removed when its temporary use is completed.

7. Billboards and advertising sign boards may be erected and maintained in commercial and industrial districts, providing that a special exception is obtained, subject to Part 21. In addition, the total display area of all such signs shall not exceed twenty (20) square feet for each ten (10') feet of lot frontage, and the display area of any sign shall not exceed two hundred fifty (250) square feet in area. In addition to the display area, necessary structural supports and structural margins not exceeding six (6") inches in width on each border shall be permitted.

(Ord. 8/30/1973, 8/30/1973)
§1804. Signs in Residential and Agricultural Districts. The following types of signs may be permitted in Residential and Agricultural Districts unless otherwise provided:

1. One (1) nameplate and one (1) house sign for each dwelling unit, professional office or home occupation, provided it does not exceed two (2) square feet and it identifies only name and title of occupant. It shall not extend beyond a vertical plane two (2) feet inside the lot from the street line. If lighted, it will illuminate without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.

2. One (1) real estate sign, provided it is unlighted and is not less than ten (10') feet back from the front lot line, does not exceed ten (10) square feet in area and pertains either to the lease, rental, or sale of the premises on which it is maintained.

3. One (1) institutional sign or business identification, provided it does not exceed sixteen (16) square feet in area, is not closer to a right-of-way more than one-half the depth of the existing front yard. If lighted, it will be illuminated without objectionable glare.

4. Signs up to two (2) feet square in area on each side, which are necessary for the identification, protection, and operation of public utility facilities, including all directional signs.

5. Signs offering the sale of farm products, nursery products, or livestock raised on the premises, provided that such sign does not exceed twelve (12) square feet and not more than one (1) such sign shall be permitted on each street frontage.

(Ord. 8/30/1973, 8/30/1973)

§1805. Signs in Commercial and Industrial Districts.

1. One (1) wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12") inches therefrom, is not less than ten (10') feet above the sidewalk and occupies not more than twenty (20%) percent of the total area of the front of the principal building. It shall not project more than three (3') feet above the roof line or parapet wall.

2. One (1) projecting sign, provided it shall not project beyond a vertical plane two (2) feet inside the lot from the street line.

3. Commercial District identification signs provided they are separate and are not attached to any building. A maximum of two (2) such signs for any one (1) general area. Heights of signs shall be a maximum of twenty (20') feet, measured from the ground, and the maximum size of the sign portion itself shall not exceed one hundred (100) square feet.

(Ord. 8/30/1973, 8/30/1973)
Part 19
Administration and Enforcement, Building Permits and Certificates of Zoning Compliance

§1901. Administration and Enforcement.
1. An administrative official designated by the Township Supervisors shall administer and enforce this Chapter 27. He may be provided with the assistance of such other persons as the Township Supervisors may direct.

2. If the administrative official shall find that any of the provisions of this Chapter 27 are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter 27 to ensure compliance with or to prevent violation of its provisions.

(Ord. 8/30/1973, 8/30/1973)

§1902. Building Permits Required. No building or other structure shall be erected, moved, added to, altered or the use therein changed without a permit therefore issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Chapter 27, unless he receives a written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Chapter 27. (Ord. 8/30/1973, 8/30/1973)

§1903. Application for Building Permit.
1. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Chapter 27.

2. One (1) copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the administrative official.

3. In addition to the Building and Zoning Permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the entire construction period. This placard shall show the permit number, the date of issuance and be signed by the Zoning Officer.
4. Furthermore, the Zoning Officer shall issue no Zoning Permits for the construction of dwelling units or other structures requiring septic systems until the applicant has produced a valid septic tank permit showing approval of the proposed system by the Sewage Disposal Officer. Finally, the applicant must produce an approved encroachment permit secured from the Township Officials prior to approval of the Building and Zoning Permits.

(Ord. 8/30/1973, 8/30/1973)

§1904. Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses.

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued by the administrative official stating that the proposed use of the building or land conforms to this Part 9.

2. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the administrative official. The Certificate of Zoning Compliance shall state specifically wherein the non-conforming use differs from the provisions of this Chapter 27. Upon enactment or amendment of this Chapter 27, owners or occupants of non-conforming uses or structures shall apply for Certificates of Zoning Compliance.

3. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Chapter 27 upon completion of the work.

4. A temporary Certificate of Zoning Compliance may be issued by the administrative official for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion. Such temporary Certificate may include such conditions and safeguards as will protect the occupants and public.

5. The administrative official shall maintain a record of all Certificates of Zoning Compliance, and a copy shall be furnished upon request of any person.

6. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Chapter 27 and punishable under Part 28 of this Chapter 27.

(Ord. 8/30/1973, 8/30/1973)

§1905. Temporary Use Permits.

1. It is recognized that it may be in accordance with the purpose of this Chapter 27 to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter 27. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone; or
B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved.

2. Then the Zoning Hearing Board may, subject to all regulations for the issuance of special exceptions elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

(Ord. 8/30/1973, 8/30/1973)

§1906. Expiration of Building Permit.

1. If the work described in any building permit has not begun within ninety (90) days from the issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

(Ord. 8/30/1973, 8/30/1973)

§1907. Construction and Use to be Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this Chapter 27, and punishable as provided by Part 28 of this Chapter 27. (Ord. 8/30/1973, 8/30/1973)
Zoning Hearing Board: Establishment and Procedure


1. 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.

2. The membership of the 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 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 Board shall hold no other office in the Township.

3. 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.

4. 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.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. 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.

6. 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.

(Ord. 061490, 6/14/1990)

§2002. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written 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.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other 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.

5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. 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.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. 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.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written
findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of 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 has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, 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 the 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 (1) 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.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 061490, 6/14/1990)


1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by 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 has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. 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.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. 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.

2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. 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
1. 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.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. 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 party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 061490, 6/14/1990)
§2005. 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 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 floodplain 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 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 planned 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. (Ord. 061490, 6/14/1990)

§2006. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by 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 map or an 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.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

[Ord. 061490]
§2101. General. The Zoning Hearing Board shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Chapter 27.

2. Special Exceptions; Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Zoning Hearing Board is specifically authorized to pass on by the terms of this Chapter 27; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Chapter 27, or to deny special exceptions when not in harmony with the purpose and intent of this Chapter 27. A special exception shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a special exception is submitted indicating the section of this Chapter 27 under which the special exception is sought and stating the grounds on which it is requested.

B. First notice shall be given at least fourteen (14) days, and not more than thirty (30) days, in advance of public hearing. The owner of the property for which special exception is sought, and the Lebanon County City Planning Department shall be notified by mail. Notice of such hearing shall be posted at the Township meeting place and in one (1) newspaper of general circulation in the Township. The news article shall be published once each week for at least two (2) successive weeks.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Zoning Hearing Board shall make a finding that it is empowered under the section of this Chapter 27 described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

E. Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and the access in case of fire or catastrophe.

(2) Off-street parking and loading areas where required, with particular attention to the items in Subsection (E)(1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties generally in the District.
(27, §2101, cont'd)

(3) Refuse and service areas, with particular reference to the items in Subsections (2)(E) (1) and (2) above.

(4) Utilities, with reference to locations, availability, and compatibility.

(5) Screening and buffering with reference to type, dimensions, and character.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

(7) Required yards and other open space.

(8) General compatibility with adjacent properties and other properties in the District.

3. Variances, Conditions Governing Applications, Procedures. To authorize upon appeal in specific cases such variance from the terms of this Chapter 27 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter 27 would result in unnecessary hardship. A variance from the terms of this Chapter 27 shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same District.

(2) That literal interpretation of the provisions of this Chapter 27 would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Chapter 27.

(3) That the special conditions and circumstances do not result from the actions of the applicant.

(4) That granting the variance requested will not confer on the applicant any special privileges that is denied by this Chapter 27 to other lands, structures, or buildings in the same District.

No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given as in Part 21, §2101, Subsection (1)(B).

C. The public hearing shall be held. Any party may appear in person or by agent, or by attorney.

D. The Zoning Hearing Board shall make findings that the requirements of Part 21, §2101 (3)(C) above have been met by the applicant for a variance.
E. The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building or structure.

F. The Zoning Hearing Board shall further make a finding that the granting of a variance will be in harmony with the general purpose and intent of this Chapter 27, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Chapter 27.

Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter 27 and punishable under Part 28 of this Chapter 27.

4. The Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official.

A. In exercising the above-mentioned powers, the Zoning Hearing Board may, so long as such action is in conformity with the terms of this Chapter 27, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that and shall have the powers of the administrative official from whom the appeal is taken.

B. The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter 27, or to effect any variation in the application of this Chapter 27.

C. The granting or approval of any special exception or variance shall be valid for the original landowner (appellant) only for a maximum to two (2) years from the date of decision. If, however, said property is transferred in ownership prior to the two (2) year limitation, the special exception or variance becomes immediately invalid upon such transfer of ownership.

(Ord. 8/30/1973, 8/30/1973)
Part 22
Appeals from the Zoning Hearing Board

§2201. General. Any person or persons, or any board, or bureau of the Township aggrieved by any decision of the Zoning Hearing Board may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Part 6, Pennsylvania Municipalities Planning Code. (Ord. 8/30/1973, 8/30/1973)
Part 23

Duties of Administrative Official, Zoning Hearing Board, Township Supervisors, and Courts on Matters of Appeal

§2301. Intent.

1. It is the intent of this Chapter 27 that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided by law and particularly by Article 6, Pennsylvania Municipalities Planning Code.

2. It is further the intent of this Chapter 27 that the duties of the Township Supervisors in connection with this Chapter 27 shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Part 23 and this Chapter 27. Under this Chapter 27, the Township Supervisors shall have only the duties:

   A. Of considering and adopting or rejecting proposed amendments or the repeal of this Chapter 27, as provided by law;

   B. Of establishing a Schedule of Fees and Charges as stated in Part 24; and

   C. Those duties specifically noted in other Parts of this Chapter 27.

(Ord. 8/30/1973, 8/30/1973)
Part 24
Schedule of Fees, Charges, and Expenses

§2401. General.

1. The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Chapter 27. The schedule of fees shall be posted in the Office of the Administrative Official, and may be altered or amended only by the Township Supervisors.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 8/30/1973, 8/30/1973)
$2501. Enactment of Zoning Ordinance Amendments.

1. The Board of Supervisors 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.

2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the 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.

3. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. 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 Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. 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 county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 061490, 6/14/1990)

§2502. Procedure for Landowner Curative Amendments.

1. 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 amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency 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.

2. 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. If the 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 Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. 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 amendments, plans and explanatory material submitted by the landowner and shall also consider:

   A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

   B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

   C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

   D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

   E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 061490, 6/14/1990)

§2503. Procedure for Township Curative Amendments.

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

   A. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days 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:

         (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

         (b) Reference to a class of use or uses which requires revision; or,

         (c) Reference to this entire Chapter which requires revisions.

      (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), 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 (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), 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.

4. 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.

(Ord. 061490, 6/14/1990)
Part 26
Provisions of Chapter 27 Declared to be Minimum Requirements

§2601. General. In their interpretation and application, the provisions of this Chapter 27 shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Chapter 27 are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. (Ord. 8/30/1973, 8/30/1973)
§2701. General. Whenever a violation of this Chapter 27 occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter 27. (Ord. 8/30/1973, 8/30/1973)
Part 28
Penalties for Violation

§2801. Enforcement Notice.
1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:
   A. The name of the owner of record and any other person against whom the Township intends to take action.
   B. The location of the property in violation.
   C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
   D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
   E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
   F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 061490, 6/14/1990)

§2802. 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 serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given. (Ord. 061490, 6/14/1990)

§2803. Enforcement Remedies.
1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney fees incurred.
by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (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.

2. 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.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 061490, 6/14/1990)