THE TULPEHOCKEN TOWNSHIP

ZONING ORDINANCE

ORDINANCE NUMBER 2013-4
ENACTED APRIL 8, 2013

FOLLOWED BY

THE TULPEHOCKEN TOWNSHIP JUNKYARD AND REFUSE ORDINANCE

ORDINANCE NUMBER 10
ENACTED OCTOBER 6, 1969

AND

THE MOBILE HOME ORDINANCE

ORDINANCE NUMBER 1974-3
EFFECTIVE ON JULY 13, 1974
(AS AMENDED BY ORD. 09-1 ENACTED MAY 11, 2009)

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ZONING ORDINANCE
TULPEHOCKEN TOWNSHIP
Berks County, Pennsylvania

BE IT ORDAINED by the Board of Supervisors, Tulpehocken Township, Berks County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, Articles VI, IX, and the amendments thereof and supplements thereto, as follows:

SECTION 100

TITLE AND SHORT TITLE

DECLARATION OF PURPOSE AND STATEMENT OF OBJECTIVES

110 TITLE

"An ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and nature of land and the extent of their use, and the nature and extent of the uses of land, in Tulpehocken Township, Berks County, Pennsylvania, hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof."

120 SHORT TITLE

This Ordinance shall be known and may be cited as "The Tulpehocken Township Zoning Ordinance of 2013."

130 DECLARATION OF PURPOSE

The provisions of this zoning ordinance are designed for the following purposes:

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

132 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance

is made in accordance with an overall program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

133 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance is based upon the objectives, analyses and recommendations that appear in the Township Comprehensive Plan as developed by the Township Planning Commission with assistance from the Township's Zoning Ordinance Review Committee of 2012[1].

[1] The 2012 Committee consists of the Tulpehocken Township Board of Supervisors, the Township Planning Commission, the Township Zoning Officer, the Township Engineer, the Township Solicitor, and citizen representatives Jacob Derr from Mt. Aetna and Bill Gettel from Rehrersburg.

SECTION 200

APPLICATION OF REGULATIONS

210 CONFORMITY WITH USE REGULATIONS

Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the Use Regulations herein prescribed. Any lawful use that does not conform to the Use Regulations of this ordinance shall be deemed a nonconforming use, except that uses, granted as Special Exception Uses by the Zoning Hearing Board pursuant to Section 1150 shall be deemed conforming uses. Variances granted by the Zoning Hearing Board pursuant to Section 1140 shall be deemed nonconforming.

220 CONFORMITY WITH ZONING REGULATIONS

Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the Lot Dimension, Yard, Court, Coverage, Height, and Density Regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the Building Regulations of this ordinance, shall be deemed a nonconforming structure, irrespective of the use to which it is put. Zoning variances granted by the Zoning Hearing Board pursuant to Section 1140 on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed nonconforming structures.

230 CONTINUATION OF EXISTING USES

Any legally established existing use of a building or structure, lot or land, or part thereof, which use constitutes a conforming use under the provisions of this ordinance, may be continued.

SECTION 300

DEFINITIONS

Certain words and terms are used in this Zoning Ordinance for the purpose thereof and are defined as follows:

301 Unless the context clearly indicates the contrary: words used in the present tense include the future; the singular numbers include the plural, and the plural the singular.

302 The word "PERSON" includes a profit or non-profit corporation, company, institution, partnership, or individual.

303 The Word "SHALL" is mandatory, and not directory; and the word "MAY" is permissive.

304 The word "LOT" includes the word "PLOT".

305 The word "STRUCTURE" includes the word "BUILDING".

306 The word "USE" and the word "USED" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

307 The word "TOWNSHIP" means Tulpehocken Township, Berks County, Pennsylvania; the term "BOARD OF SUPERVISORS" means the Board of Supervisors of said Township.

Definitions of Terms

308 ACCESSORY USE OR BUILDING. A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term ACCESSORY BUILDING includes a private garage, garden shed or barn, a private playhouse, a private greenhouse, and a private swimming pool.

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

General Agriculture. An activity shall be considered general agriculture provided the number of animal units is a maximum of 0.5 units per acre on parcels equal to or less than 5 contiguous acres, the number of animal units is a maximum of 2.0 units

per acre on parcels greater than 5 contiguous acres, and the area of greenhouses erected is less than or equal to 50,000 square feet. The production of mushrooms is excluded.

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

309.1 AGRICULTURAL INDUSTRIES. Industries required by local agricultural production such as feed supply, grain mill, facilities for processing locally produced agricultural products, sawmill or fertilizer/agricultural chemical distribution center (pursuant to Section 1032).

309.2 – 309.4 RESERVED.

309.5 AGRICULTURAL WASTE STORAGE FACILITY. A structure, lagoon or pile designed for the storage of compost, mushroom soil, liquid, semi-liquid or solid animal and/or poultry wastes.

310 ANIMAL UNIT. One animal unit is equal to a total of 1000 pounds of animal(s).

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

310.7 APARTMENT UNIT. A dwelling unit within an Apartment Building.

311 BASEMENT. A floor level partly or completely below grade. A basement shall be considered a story if more than 33 1/3% of the perimeter walls are above the finished grade level of the ground immediately adjacent to the walls. A basement when deemed to be a story shall be included in computing the height of a building. A basement standing alone shall not be used as a dwelling unit except as provided in Section1142.10.

311.5 BED AND BREAKFAST. A premises that provides overnight guest accommodations including daily breakfast as regulated under Section 1033 of this ordinance.

312 BLOCK. A tract of land or a lot or group of lots, bounded by streets, public parks, or parkways, railroad rights-of-way, watercourse or body of water, subdivided land, or a boundary line or lines of the Township.

313 BLOCK FRONTAGE. That portion of a block which abuts a single street.

314 BOARD. The Zoning Hearing Board of Tulpehocken Township unless otherwise stipulated or indicated by reference.

315 BOARDING, LODGING OR ROOMING HOUSE. A private dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained, such as school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses.

316 BUILDING. A structure, including a house trailer or mobile home used for dwelling or storage purposes, having a roof supported by columns or walls. When separated by a division wall without openings, each portion of such building shall be deemed a separate building. Building shall not be deemed to include any structure having less than one hundred (100) square feet in area.

317 BUILDING, AREA OF. The horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half-story, or less, of height.

Net Floor Space. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any.

318 BUSINESS CENTER DEVELOPMENT. A tract of land, buildings or structures planned as a whole and intended for one or more establishments for a commercial purpose on a site, whether built at one time as a unit, or in two or more construction stages.

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

319 COMPREHENSIVE PLAN. The Comprehensive Development Plan for Tulpehocken Township as adopted by the Township Supervisors.

319.5 CONSTRUCTION. The term construction shall be deemed to include the erection of a building or accessory building or the addition to a building by any means whatsoever and shall also include the moving or relocating of a building within the Township and the bringing of a building into the Township and the placing of a house trailer or mobile home within the Township or the relocating of the same within the Township.

320 COURT. A space either on the ground or above, excepting a main roof, situated on the lot with a building and which is unoccupied and open to the sky, and not a front yard, or rear yard.

321 DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair,

expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

322 DUMP. A lot, structure, land or part thereof used primarily for disposal by abandonment, dumping, burial, burning, incineration, or any other means for whatever purpose of garbage, offal, trash, refuse, or waste material of any kind.

323 DWELLING. A building arranged, intended or designed to be occupied as a residence by one or more families living independently of each other upon the premises.

324 DWELLING UNIT. One or more rooms with provision for cooking, living, sanitary, and sleeping facilities arranged for the use of one family. See also APARTMENT UNIT– 310.7, TOWNHOUSE –387.3, SINGLE FAMILY DETACHED DWELLING – 378, and TWO FAMILY DETACHED DWELLING – 391.

325 FAMILY. One or more individuals living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not be deemed to include the occupants of a college dormitory, residential club, motel, hotel, or boarding or rooming house.

324.5 FEED LOT. A confined animal operation for meat, milk or egg production, or for stabling, in which animals are kept in pens or houses where they are primarily fed harvested stored feed.

325 FILLING STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A FILLING STATION may include accessory facilities for rendering services such as lubrication, washing, and minor repairs.

325.6 FORESTRY. The management of forest and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

326 GARAGE. A building or part thereof used for the storage or parking of one or more vehicles.

327 GARAGE, PARKING. A garage for the convenience of the general public in which no servicing, repairs, washing, or reconditioning of motor vehicles is carried on.

328 GARAGE, PRIVATE. An accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

329 GARAGE, PUBLIC. Any garage other than a private garage or parking garage. A PUBLIC GARAGE may include servicing, repairs, washing, or reconditioning of motor vehicles, and filling station facilities.

329.5 GROUP HOME. A household of not more than five (5) persons, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because of their physical or emotional condition, or their social or interpretation skills, otherwise would limit, inhibit, or prevent their ability to function as useful or productive members of society. All such group homes shall be provided with supported services through a licensed social service agency.

330 HEIGHT OF A STRUCTURE. The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in Section 1014.

331 HISTORIC STRUCTURE. Any structure that is:

(i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

332 HOMEOWNERS ASSOCIATION. Any incorporated non-profit organization operating under recorded land agreements through which (1) each lot and/or home owner in a planned unit or other described land area is automatically a member and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (3) the charge if unpaid becomes a lien against the property.

333 HOME OCCUPATION. A business or office conducted in the home by members of the resident family provided: that not more than two persons are employed who are not members of the family and that such persons shall be employed in the main building only; that not more than one-half of the area of one floor, or an entire basement shall be used for such purposes; that signs indicating products made or services rendered shall be in accord with this ordinance; that adequate space for parking and loading shall be provided; that there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign; and that no machinery or equipment that would produce noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property shall be permitted.

334 HOSPITAL. A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation.

335 HOTEL. A building or part thereof which has a common entrance, common heating system, and general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation; any building or part thereof in which rooms are to be occupied by individuals or groups of individuals which is not a motel, rooming or boarding house according to the definitions of this section.

336 INDUSTRY, NON-NUISANCE. Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards.

337 INDUSTRIAL PARK. A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

338 INFORMATION PLAZA. A building and its appropriate access and parking areas devoted exclusively to informing motorists of public and semi-public facilities and private establishments through the use of advertising and public information signs located entirely within the building.

339 JUNK. Any discarded material or article including but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

340 JUNKYARD. Any place where any junk as herein above defined, is stored, disposed of, or accumulated.

339.5 KENNEL. Any structure or premises in which more than 4 dogs more than 6 months old are housed, groomed, bred, boarded, or trained as a commercial activity. Kennels are subject to the standards of Section 1026 of this ordinance.

341 LOT. A parcel of land used or designed to be used by one use or structure, or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures. A lot may be or may not be the land shown as a single lot on a duly recorded plat or other official record.

342 LOT AREA, NET. The total horizontal area included within lot lines, not including the areas described in Sections 348 and 382. Gross Lot Area is the Net Lot Area plus the areas described in Sections 348 and 382. Unless otherwise specified, Lot Area requirements shall be based on Net Lot Area.

343 LOT, CORNER. A lot at the junction of and fronting on two or more intersecting streets.

344 LOT COVERAGE. The percentage of the Lot Area that is occupied by the Area of Building.

345 LOT, DEPTH OF. The distance between the mid-point of a straight line connecting the foremost points of the side lot lines in the front and the mid-point of a straight line connecting the rearmost points of the side lot lines in the rear.

346 LOT, INTERIOR. Any lot other than a corner lot.

347 LOT LINE. Any boundary of a lot.

348 LOT LINE, FRONT. The street line at the front of a lot. (See definition of street line, Section 382.) For lots created prior to the effective date of this Ordinance, on a lot bounded on more than one side by a street, the owner may specify the front lot line on the plot plan, and the lot line which is not designated by the lot owner as a front lot line shall be considered a side lot line for corner lots and a rear lot line for through lots . For lots created after the effective date of this Ordinance, on a lot bounded on more than one side by a street, each street frontage shall be a front yard,

and the other yards shall be a rear yard and a side yard for a corner lot and side yards for through lots, as specified by the property owner on the plot plan.

349 LOT LINE, REAR. The lot line or lines opposite to the front lot line.

350 LOT LINE, SIDE. Any lot line not a rear lot line or a front lot line.

351 LOT, THROUGH. A lot extending from one street to another.

352 LOT, WIDTH. The straight line distance between the side lot lines, measured at the rear of the required front yard.

353 MAIN USE OF BUILDING. The principal or most important use of building on a lot.

354 MEDICAL OFFICE BUILDING. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

355 MEMBERSHIP CLUB. A building, structure, lot or land area used as a private club, fraternal or social organization.

356 MOBILE HOME. A transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing. Each mobile home and any replacement mobile home, whether installed as a single family residential use or within a mobile home park, shall comply with the installation requirements for manufactured housing under the Uniform Construction Code, the Pennsylvania Construction Code, the International Residential Code, the Manufactured Housing Act, and the Tulpehocken Township Mobile Home Ordinance.

357 MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

358 MOTEL. A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term MOTEL includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile home parks and trailer camps.

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

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

8. The business may not involve any illegal activity.

9. The provisions of this section shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

360 NONCONFORMING USE. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment.

361 NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

362 PARKING AREA. A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

363 PARKING SPACE. A stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

364 PLANNED RESIDENTIAL DEVELOPMENT. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this ordinance.

365 PLANNING COMMISSION. The Planning Commission of Tulpehocken Township, Berks County, Pennsylvania.

366 PUBLIC NOTICE. Notice given not more than thirty (30) days and not less than seven (7) days in advance of any public hearing required by this ordinance. Such notice shall be published once each week for two 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.

367 QUARRY. A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil.

368 ROADSIDE STAND. Subject to Section 1028, an open or enclosed stand situated along the roadway for the purpose of selling agricultural or horticultural products produced on the premises.

369 SAND OR GRAVEL PIT. A lot or land, or part thereof, used for the purpose of extracting sand, gravel, soil or sod and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

370 SANITARY LANDFILL. A lot or land or part thereof, licensed and regulated by the Township and in conformance with the Pennsylvania Department of Environmental Protection requirements that is used for the disposal and treatment of solid waste.

372 SEWAGE DISPOSAL SYSTEM, CENTRALIZED. A public utility system or other centralized sewage disposal treatment system designed to collect, centrally treat and dispose of sewage from users in compliance with Pennsylvania Department of Environmental Protection Regulations or regulations of the Township, whichever may be more stringent. Any system not deemed a centralized sewage disposal system shall be deemed an on-lot system.

373 SIGN. Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For purposes of this ordinance, sign does not include mailboxes, names of occupants, or other identifications not having commercial connotations; flags and insignias of governments; legal notices, signs giving direction or information required by governmental bodies, or signs directing or guiding traffic and parking without the use of advertising matter.

374 SIGN, ADVERTISING. A sign which directs attention to products, accommodations, services, or activities offered at locations other than the property upon which the sign is erected or displayed.

375 SIGN, BUSINESS. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

376 SIGNS, NUMBER AND SURFACE AREA. For the purpose of determining number of signs, a sign shall be considered as a single display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, each element shall be considered as a single sign. The surface area of a sign shall be computed to include the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural members not bearing advertising matter shall not be included in computation of surface area.

378 SINGLE FAMILY DETACHED DWELLING. A building, on a lot, designed and occupied exclusively as a residence for one family, and which has no part of a wall in common with an adjacent building.

378.3 SINGLE FAMILY SEMI-DETACHED DWELLING. A building designed for and occupied exclusively as a residence for two families, each living on one side of an unpierced common or party wall.

378.5 SITE PLAN. A plan to be reviewed by the Planning Commission and/or Zoning Hearing Board for permitted or special exception uses as specifically required by this Ordinance including, but not limited to, the requirements of Section 1060 of this Ordinance.

379 SPECIAL EXCEPTION USE. A use in one or more districts, for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of Section1150.

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

380 STORY. A portion of a building included between the upper surface of any floor and the upper surface of the floor or roof above. (See BASEMENT, Section 311).

381 STREET. Includes any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

382 STREET LINE. The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves two or more separately owned homes or buildings.

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

384 SUBSTANTIAL DAMAGE. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.

385 SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

(ii) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

386 SWIMMING POOL, PRIVATE. Any receptacle or artificially constructed container for water, having a wall depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein used or intended to be used in connection with residences, available only to the family of the householder and his private guests, not open to the public or publicly owned, not owned and/or operated by any organization, partnership or corporation and not otherwise regulated by any statutes or by rules and regulations other than those of the Township.

387 SWIMMING POOL, PUBLIC OR SEMI-PUBLIC. Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

387.3 TOWNHOUSE. A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one building within a Townhouse Block, and which has its own separate entrance to the outside.

387.5 TOWNHOUSE BLOCK. A grouping of Townhouse buildings in which three or more Townhouses are placed side by side and separated by unpierced party walls, with each Townhouse having at least one separate entrance to the outside.

388 TRAVEL TRAILER CAMP. A lot or part thereof occupied or designed for occupancy by two (2) or more travel trailers or travel units.

389 TRAVEL TRAILER. A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding eight (8) feet.

390 TRAVEL UNIT. A truck-mounted camper; an auto, truck, or bus adapted for vacation living; a folding tent camper, a tent; and other similar devices used for temporary portable housing.

391 TWO FAMILY DETACHED DWELLING. A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other having no common or party wall with an adjacent building.

392 VACATION RESORT. A building, group of buildings, or parcel of land, under single ownership or agreement which provides combined facilities for the lodging, dining, entertainment, outdoor and indoor recreation and leisure-time enjoyment of the vacationing public. Accessory uses conducted mainly for the convenience of resort clientele such as barber shops, beauty parlors, cigarette and drug counters and other convenience establishments may be integral parts of a total vacation resort.

393 VARIANCE. A modification of the regulations of this Ordinance, granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Section 1140 and the laws of the State of Pennsylvania.

394 WATER SUPPLY SYSTEM, CENTRALIZED. A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with Pennsylvania Department of Environmental Protection Regulations or regulations of the Township, whichever may be more stringent. Any system not deemed a centralized water supply system shall be deemed an on-lot system.

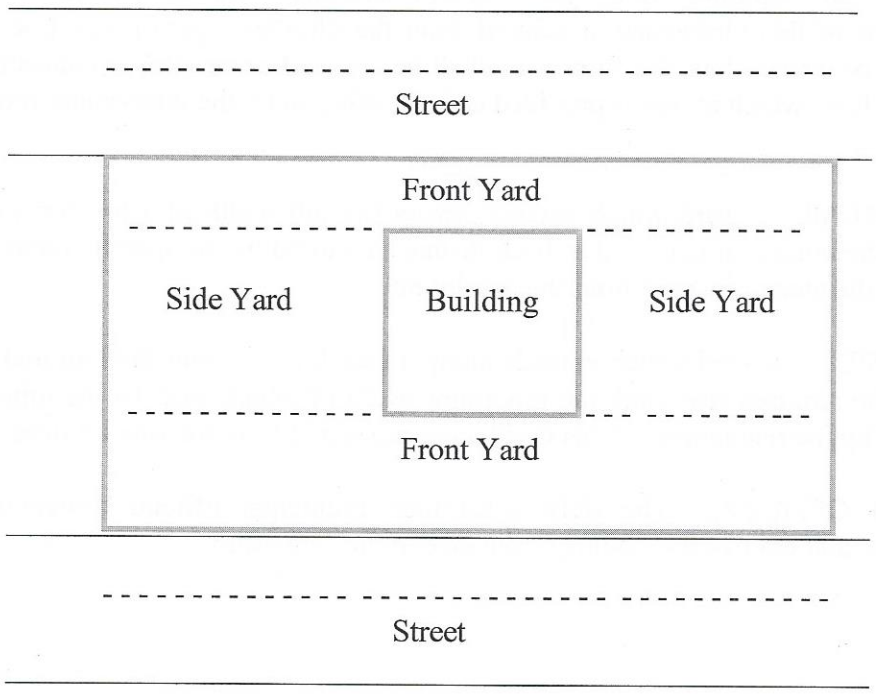
395 YARD. The area(s) of a lot which must remain free of buildings or other structures, and may be used as lawn or planted area, or driveway space, in compliance with the provisions of this Ordinance. A yard is measured at right angles from the right-of-way or lot line. Yard is further defined in Section 396, 397 and 398.

396 YARD, FRONT. A yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Ordinance, measured from the ultimate right-of-way line. For flag, rear or interior lots, the front yard shall be oriented as parallel or concentric to the street from which access is provided as is feasible, along the intervening property line.

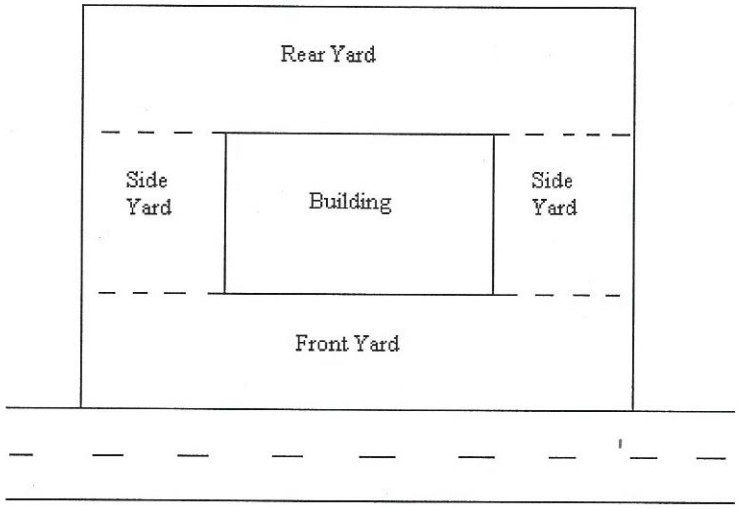
397 YARD, REAR. A yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by the specific regulations of this Ordinance, measured from the rear lot line.

398 YARD, SIDE. A yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which shall be the minimum specified by the regulations of this Ordinance, measured from the side lot lines.

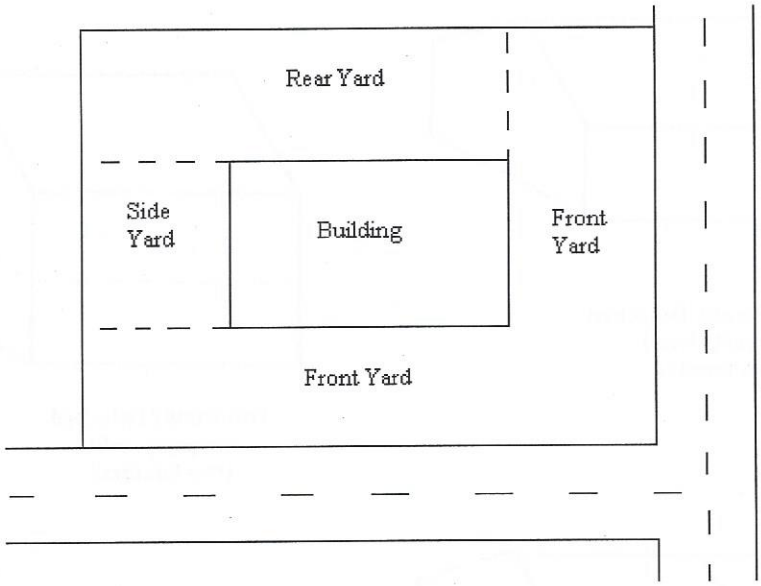
399 ZONING OFFICER. The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the Township.



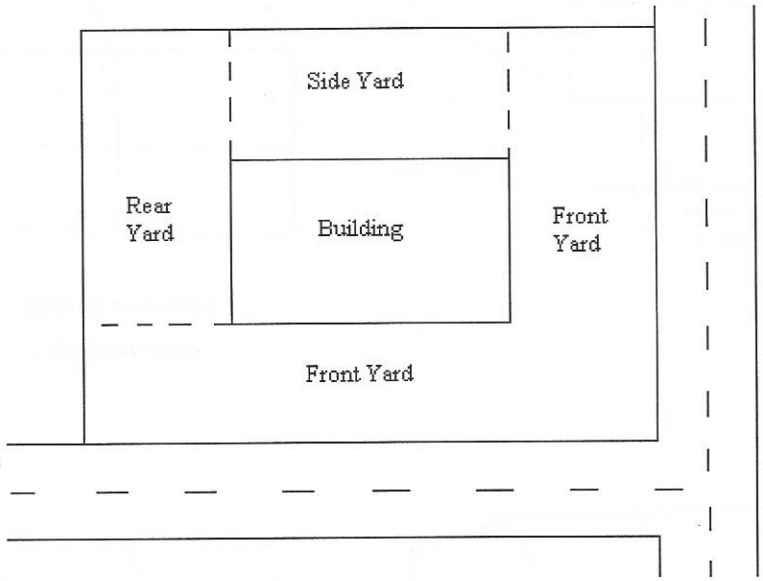
Through Lot



Non-Corner Lot

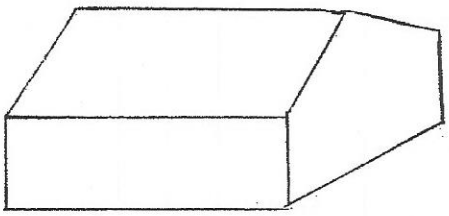


OR

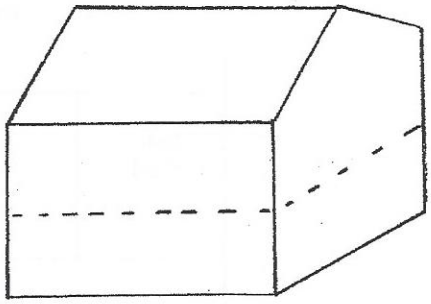


Corner Lot

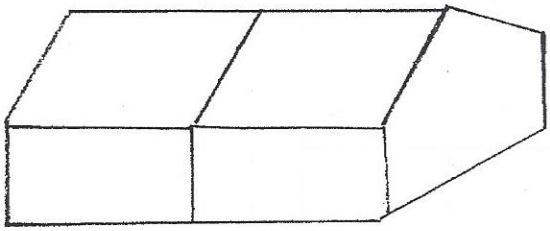
YARD TYPE ILLUSTRATION



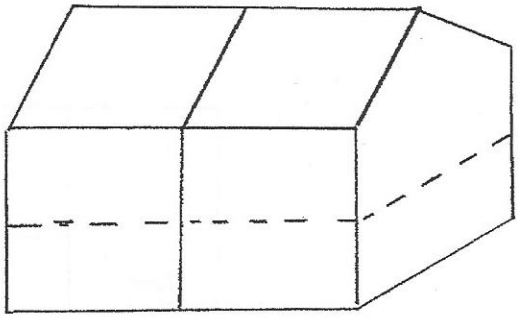
Single Family Detached
(no party wall)
(one family)



Two Family Detached
(no party wall)
(two families)

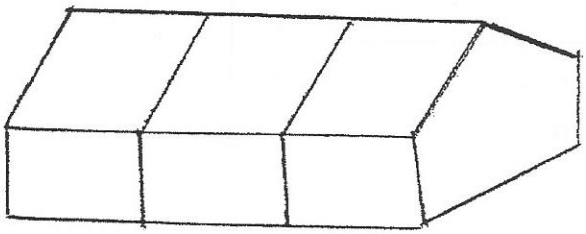


Single Family Semi-Detached
(one party wall)
(two families)

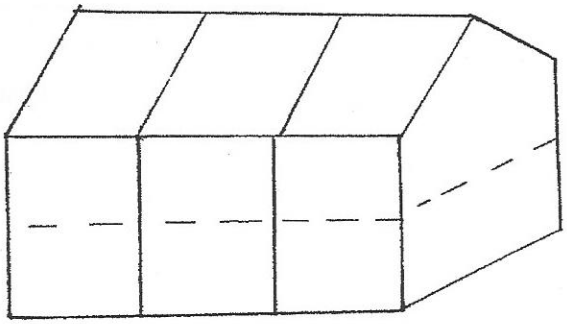


Apartment Building

(four families)



Townhouse Block
(two party walls)
(three families)



Apartment Building
(six families)

DWELLING TYPE ILLUSTRATION

SECTION 400

DISTRICTS AND BOUNDARIES

410 CLASSES OF DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into the following classes of Districts:

VC	–	Village Center
RR	–	Rural Residential
IC	-	Industrial and Commercial
EAP	-	Effective Agricultural Preservation
EP	-	Environmental Protection

420 DISTRICT BOUNDARIES

421 Zoning Map

The boundaries of each District or zone are established as shown on the Zoning Map of the Township which accompanies this Ordinance and is declared to be a part of this Ordinance. The Official Zoning Map is on file in the office of the Township Supervisors. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

422 Delineation of District Boundaries

The District Boundary Lines are intended generally to follow the center lines of streets, the boundary lines of rights-of-way, lot lines, the straight line projections of such lines, the straight line connection of property corners, or Township boundary lines, all as shown on the Zoning Map; but where a District boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from one boundary line to another as indicated. When such a line is related to a street, the measurement shall be taken from the center line of the street.

423 Interpretation of Districts Boundaries

In case of uncertainty as to the true location of a District boundary line in a particular instance, the determination thereof shall be made by the Zoning officer. An appeal may be taken to the Zoning Hearing Board, as provided in Section 1130.

424 Extension of District Boundaries

Where a district boundary line divides a lot in single ownership, at the election of the property owner, the regulations of either zoning district may be extended a distance of not more than 50 feet beyond the district boundary line into the remaining portion of the lot.

SECTION 500

VC – VILLAGE CENTER DISTRICTS

510 PERMITTED, ACCESSORY, AND SPECIAL EXCEPTION USES

Within any Village Center District listed in this Section, no building, structure, lot or land shall be used for other than one or more of the Permitted Principal, Permitted Accessory, or Special Exception uses listed for said District, except as provided for non-conforming uses and non-conforming buildings in Section 1050.

515 INTENT

The Village Center Districts are those which have been determined as most logical and suitable for intensive and orderly physical development of a village center as documented in the Township Comprehensive Plan.

520 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplementary Regulations in Section 1014.

530 RESERVED

540 VC – VILLAGE CENTER DISTRICT

541 Permitted Principal Uses

541.01 Single family detached dwelling; mobile homes are not permitted.

541.02 Single family semi-detached dwelling.

541.03 Two family detached dwelling.

541.05 Church, Sunday School, or other place of worship; parish house.

541.06 Public outdoor recreation areas, such as parks, playgrounds, swimming pools.

541.07 Retail store or shop, not exceeding 10,000 square feet.

541.08 Business or professional office, medical or dental clinic.

541.09 Bank or other financial institutions.

541.10 Barber shop, beauty shop, self-service laundry or dry cleaning pick-up agency, tailor or dressmaking shop, or other personal service store or shop.

541.11 General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.

541.12 Restaurant, café, tavern or other place serving food and beverage.

541.13 Non-nuisance industries.

541.14 Forestry activities.

541.15 Townhouses and Apartment Buildings, pursuant to Section1036.

541.16 Community center building, public library, municipal buildings, fire or police station.

541.17 Art gallery, museum.

542 Permitted Accessory Uses

542.01 Private garage or private parking area, pursuant to Section 1012.

542.02 Customary accessory structure and use.

542.03 Sign, pursuant to Section 1040.

542.04 Private non-commercial swimming pool, pursuant to Section 1025.

542.05 Home professional office, home occupation as defined in Section 333.

542.06 Accessory uses and structures customarily incidental to a permitted outdoor recreation use such as parking areas, refreshment stands, concessions, fire places, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use.

542.07 No-Impact Home-Based Business.

543 Special Exception Uses

The following uses are permissible subject to Zoning Hearing Board approval pursuant to Sections 1060 and1150.

543.01 Public or private school approved by the Pennsylvania Department of Education.

543.02 Retail store or shop, or combination of stores or shops, in excess of 10,000 square feet.

543.03 Hospital, convalescent home or other similar use.

543.04 Public utility building, structure or facility.

543.05 Membership club, excluding club for hunting, gunning, trapping, or other similar purposes.

543.06 Bus passenger station.

543.07 Car washing station, public garages, parking garage.

543.08 Automobile and other machinery sales with accessory service facilities.

543.09 Automobile and machinery repair shops.

543.10 Hotel and motel.

543.11 Business center development.

543.12 Research institute, laboratory.

543.13 Wholesale establishment, distribution station, storage building.

543.14 Building material sales and storage yard.

543.15 Bed and Breakfast, pursuant to Section 1033.

544 Lot Area, Width, Building Coverage, Height, & Yard Requirements[2]

(All numbers per dwelling unit)

	Min. Lot Area (Per unit)	Min. Lot Width	Maximum Building Coverage of Lot	Maximum Building Height	Min. Front Yard	Min. Each Side Yard	Min. Side Abut-ting Street	Min. Rear Yard
With Centralized Water & Sewage Systems								
Single family Detached	6,000 sq. ft.	60'	30%	35'	30'	10'	10'	10'
Single family Semi-detached	6,000 sq. ft.	50'	30%	35'	20'	10' (one side)	10'	10'
Two family Detached	6,000 sq. ft.	50'	30%	35'	20'	10'	10'	10'
Townhouses and Apartment Buildings	Must Comply with Section 1036							
All other permitted Residential uses	6,000 sq. ft.	50'	30%	35'	30'	10'	10'	10'
Business center Development, hotel, Motel	80,000 sq. ft.	250'	25%	50'	50'	40'	60'	45'
All other permitted Commercial uses	10,000 sq. ft.	80'	40%	35'	50'	20'	30'	50'
All permitted Industrial area	20,000 sq. ft.	120'	30%	50'	50'	25'	40'	50'

	Min. Lot Area (Per unit)	Min. Lot Width	Maximum Building Coverage of Lot	Maximum Building Height	Min. Front Yard	Min. Each Side Yard	Min. Side Abut-ting Street	Min. Rear Yard
With Centralized Sewage and On-Lot Water								
Single family Detached	14,400 sq. ft.	80'	25%	35'	30'	10'	10'	10'
Two family detached	9,500 sq. ft.	75'	25%	35'	30'	10'	10'	10'
Single family Semi-detached	9,500 sq. ft.	75'	25%	35'	30'	10' (one side)	10'	10'
Townhouses and Apartment Buildings	Must Comply with Section 1036							
All other permitted Residential uses	15,000 sq. ft.	120'	20%	35'	30'	10'	10'	10'
All other permitted commercial uses except hotel, motel or business center development	15,000 sq. ft.	100'	40%	35'	50'	20'	30'	50'

[2] See Section 1012 for dimensional regulations for certain accessory buildings.

With Centralized Water and On-Lot Sewage

Single family Detached	33,000 sq. ft.	110'	25%	35'	30'	20'	30'	40'
Single family Semi-detached	33,000 sq. ft.	110'	25%	35'	20'	20' (one side)	30'	30'
Two family detached	33,000 sq. ft.	110'	25%	25'	20'	20'	30'	30'
Townhouses and Apartment Buildings	Must Comply with Section 1036							
All other permitted Residential uses	33,000 sq. ft.	120'	20%	35'	30'	25'	50'	50'
All other permitted commercial uses except hotel, motel or business center development	33,000 sq. ft.	120'	40%	35'	50'	20'	30'	60'

With Both On-Lot Water and Sewage Systems

All permitted Uses, other than those identified below	33,000 sq. ft.	110'	20%	35'	30'	25'	40'	50'
Townhouses and Apartment Buildings	Must Comply with Section 1036							
All other permitted commercial uses except hotel, motel or business center development	33,000 sq. ft.	150'	40%	35'	50'	20'	30'	80'

550 RESERVED .

551 Performance Standards for Non-Residential Uses

Where a new non-residential land use is established in the Village Center District, the requirements of Section 748 of the Township's Zoning Ordinance shall be satisfied.

SECTION 600

RURAL RESIDENTIAL DISTRICTS

610 PERMITTED, ACCESSORY, AND SPECIAL EXCEPTION USES

Within any Rural Residential District listed in this Section, no building, structure, lot or land shall be used for other than one or more of the Permitted Principal, Permitted Accessory, or Special Exception Uses listed for said District, except as provided for non-conforming uses and non-conforming buildings in Section 1050.

615 INTENT

Rural Residential Districts are those which have been determined as most logical and suitable for a rural residential nature as documented in the Township Comprehensive Plan.

620 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplementary Regulations in Section 1014.

630 RESERVED

640 RR – RURAL RESIDENTIAL DISTRICT

641 Permitted Principal Uses

641.01 Single family and two family detached dwelling, single family semi-detached dwelling and mobile home; provided that all of these residential uses shall be located at least 300 feet away from those existing feed lots, agricultural waste storage facilities, animal shelters, and barns that are associated with animal husbandry, except those of the owner or lessee.

641.02 General Agriculture, excluding the raising and keeping of any animal or animals as a business enterprise, subject to the minimum yard requirements of Section 844.

641.03 Outdoor recreation areas such as parks, playgrounds, picnic grounds, swimming pools, golf courses and country clubs.

641.04 Church, Sunday School, or other places of worship, parish house.

641.05 Cultural facilities, historical facilities.

641.06 Mobile home park that meets the requirements of the Township Mobile Home Ordinance.

641.07 Child Day Care.

641.08 Farmers/produce market.

641.09 Forestry activities.

641.10 Bed and Breakfast, pursuant to Section 1033.

641.11 Community center building, public library, municipal building, fire or police station.

642 Permitted Accessory Uses

642.01 Private garage or private parking area, pursuant to Section 1012.

642.02 Customary accessory structure and use.

642.03 Sign, pursuant to Section 1040.

642.04 Private non-commercial swimming pool, pursuant to Section 1025.

642.05 Home professional office, home occupation as defined in Section 333.

642.06 Accessory uses and structures customarily incidental to a permitted outdoor recreation use such as parking areas, refreshment stands, concessions, fire places, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use.

642.07 No-Impact Home-Based Business.

643 Special Exception Uses

The following uses are permissible subject to Zoning Hearing Board approval pursuant to Sections 1060 and1150.

643.01 Public or private school approved by the Pennsylvania Department of Education.

643.02 Public utility building, structure or facility.

643.03 Membership club, excluding club for hunting, gunning, trapping or other similar purposes.

643.04 Recreational uses, including private or commercial as well as public, such as parks, camps, picnic areas, golf courses, fishing, sport, boating or membership clubs, excluding those creating an audible nuisance; not to include enclosed structures but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas.

643.05 Vacation resort.

643.06 Bank, financial institution, or professional offices.

643.07 Apartment Buildings.

643.08 The raising and keeping of bovine animals as a business enterprise, subject to the following limitations:

643.081 Animal units per acre shall not exceed 0.5 units per acre on parcels equal to or less than 5 contiguous acres, and a maximum of 1.0 animal units per acre on parcels greater than 5 contiguous acres.

643.082 300 feet minimum distance to any existing residential dwelling, except grazing.

643.083 500 feet minimum distance to any boundary of the Village Center zoning district, except grazing.

643.084 Minimum yard requirements for buildings shall be as set forth for General Agriculture in the EAP District under Section 844.

644 Lot Area, Width, Building Coverage, Height, and Yard Requirements

644.01 Mobile Home Park – Pursuant to Township Mobile Home Ordinance.

644.02 All other permitted uses (except as provided in Section 1012).

	Minimum Lot Area (per d.u.)	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
On-lot sewage	1 acre	180 ft.	10 percent	35 ft.
Centralized Sewage	½ acre	140 ft.	20 percent	35 ft.

Front Yard	Each Side Yard	Side yard with abutting Street	Rear Yard
50' or pursuant to Sec. 1018	25 ft.	40 ft.	50 ft.

SECTION 700

IC – INDUSTRIAL-COMMERCIAL DISTRICTS

710 PERMITTED AND ACCESSORY USES

Within any Industrial-Commercial District listed in this Section no building, structure, lot or land shall be used for other than one or more of the Permitted Principal or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in Section 1050.

715 INTENT

The Industrial-Commercial District areas are those areas which have been determined to be most suited for commercial and industrial development, on the basis of location, access, natural determinants, potential markets, overall relation to the Comprehensive Plan of Berks County and the Township and other factors, and sufficient to provide for natural expansion in the Township as developed in the Comprehensive Plan.

720 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplementary Regulations in Section 1014.

730 RESERVED

740 IC – INDUSTRIAL-COMMERCIAL DISTRICT

741 Permitted Principal Uses

741.01 Retail store or shop.

741.02 Business office or office building, studios or agency, such as insurance or real estate office.

741.03 Professional offices, medical, dental, and veterinary clinics (subject to Section 1026).

741.04 Bank or other financial institutions.

741.05 Barber shop, beauty shop, self-service laundry or dry cleaning establishment or pickup agency, tailor or dressmaking shop, or other personal service store or shop.

741.06 General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.

741.07 Restaurant, café, tavern or other place serving food and beverage.

741.08 Membership club, excluding club for gunning, trap shooting, trapping or other similar purpose.

741.09 Park, playgrounds, picnic areas.

741.10 Hotel, motel.

741.11 Business center development served by centralized water supply and centralized sewage disposal system.

741.12 Funeral homes.

741.13 Nonnuisance industries.

741.14 Public off-street parking lot or parking garage pursuant to the provisions of Section 1022.

741.15 Agricultural land uses, buildings, and activities relating to the growing of field, truck and tree crops, but not including animal husbandry.

741.16 Home professional office, home occupation as defined in Section 333.

741.17 Forestry activities.

741.18 Filling station.

741.19 Automobile and machinery repair shop.

741.20 Car washing station.

741.21 Community center building, public library, municipal building, police or fire station.

741.22 Industrial Parks.

741.23 Places of amusement, such as bowling lanes, miniature golf courses, theaters, or other similar commercial recreation establishments.

741.24 Automobile and other machinery sales with accessory service facilities.

741.25 Manufacturing, compounding, processing, packaging and/or treatment of products such as bakery goods, candy, confections, dairy products, cosmetics, musical instruments, toys and novelties, clocks and jewelry, optical products, electronic devices and scientific and precision instruments.

741.26 Manufacturing, compounding, processing, packaging and/or treatment of products such as automotive parts and machinery, building materials, hardware, tool, and metal components, dry cleaning and dyeing, clothing,

paper, cardboard, and metal containers, and cloth, wire, wood, glass and other similar items.

741.27 Research institute, laboratory.

741.28 Wholesale establishment, distribution station, storage building.

741.29 Building material sales and storage yard.

741.30 Printing, publishing, lithography, bookbinding, and/or kindred arts.

741.31 Laundry, dry cleaning plant.

742 Permitted Accessory Uses

742.01 Customary accessory uses and structures.

742.02 Private garage, off-street parking area pursuant to the provisions of Section 1012.

742.03 Signs, pursuant to provisions of Section 1040.

743 Special Exception Uses

The following uses are permissible subject to Zoning Hearing Board approval pursuant to Sections, 1060 and1150.

743.01 Hospital, convalescent home or other similar use.

743.02 Arena or stadium.

743.03 Public or private utility building, structure or facility, including a sewage treatment plant.

743.04 Industries which are normally considered to create nuisances, but through the application of advanced technology are able to provide sufficient evidence that the industry in question will not be detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration, or excessive light, beyond the limits of its lot.

743.05 Terminal, storage or transfer facilities for trucking, bussing, or railroad operations.

743.06 Junk yards in accordance with the Township Junk Yard Ordinance.

743.07 Mining, quarrying and earth extraction industries pursuant to Section1154.10.

743.08 Adult-Oriented Establishment (as defined by Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended) shall only be allowed as a special exception use, and any such building and related parking shall be placed a minimum of 600 feet from any property owned by or used as a dwelling, place of worship, church camp, school, cemetery, day care center, park or playground. The applicant shall also prove compliance with all applicable State laws, as a condition of zoning approval, and shall name an on-site manager who shall be responsible to ensure compliance with all State laws and Township ordinances. No adult-oriented establishment shall be considered a permissible change of use as a replacement for an existing nonconforming use in accordance with Sections 1053.3 or 1055.2 herein. Adult uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of adult use activities or materials from outside the building. No exterior display or products, activities or shows shall be permitted, except for a sign which identifies the name of the establishment, the nature of the business and the hours of operation, in conformance with the requirements of Section 1040 herein. The Zoning Hearing Board may establish hours of operation.

743.09 Group Home.

743.10 Land uses not specifically defined in this Zoning Ordinance or not identified or recognized as a use in any other zoning district.

743.11 Animal Hospitals, Veterinary Facilities, Kennels pursuant to Section 1026.

744 Conditional Uses

744.01 One dwelling unit for each separate commercial use in a commercial building.

745 Lot Area, Width, Building Coverage and Height Regulations

When a 50 foot height limit is imposed under this section, such limit may be increased to 75 feet upon approval of a conditional use.

A.) When served by centralized water system and centralized sewage disposal system.

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height	Maximum Impervious Coverage
Business center development, hotel, motel	80,000 sq. ft.	200 ft.	30%	50 ft.	70%
All other permitted commercial uses	10,000 sq. ft.	70 ft.	40%	35 ft.	80%
All permitted industrial uses	40,000 sq. ft.	120 ft.	40%	50 ft.	70%

B.) When served by on-lot water system and centralized sewage disposal system.

All permitted commercial uses except hotel, motel, or business center development	15,000 sq. ft.	80 ft.	40%	35 ft.	80%
All permitted industrial uses	40,000 sq. ft.	120 ft.	40%	50 ft.	70%
Hotels/motels, Business centers	100,000 sq. ft.	250 ft.	30%	50 ft.	70%

C.) When served by centralized water system and on-lot sewage disposal system.

All permitted commercial uses except hotel, motel, or business center development	1 acre	125 ft.	30%	35 ft.	70%
All permitted industrial uses	1 acre	125 ft.	40%	50 ft.	70%

D.) When served by individual on-lot water and on-lot sewage disposal systems.

All permitted commercial uses except hotel, motel, or business center development	1 acre	125 ft.	40%	50 ft.	70%
All permitted industrial uses	1 acre	125 ft.	40%	50 ft.	70%

746 Minimum Yard Requirements

	Rear Yard	Each Side Yard	Side Yard With Abutting Street	Rear Yard
Hotel, motel or business center development	50 ft. or as pursuant to Sec. 1018	40 ft.	60 ft.	40 ft.
All other permitted uses	50 ft. or as pursuant to Sec. 1018	20 ft.	30 ft.	40 ft.

747 RESERVED

748 Performance Standards

All uses, except residential uses, in the I-C Industrial-Commercial District shall comply with the following performance standards. Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards:

748.01 Noise and Vibration

a. At no point on any lot boundary shall the sound pressure level of any operation exceed the maximum decibel levels shown below the districts indicated. At no time on any lot boundary, for more than an aggregate total of thirty (30) minutes during the twelve (12) hour period, shall the sound pressure of any operation exceed the maximum continuous decibel levels shown below for the districts indicated.

b.

	Maximum	Maximum Continuous
7:00 a.m. to 11:00 p.m.	68 dbA	63 dbA
11:00 p.m. to 7:00 a.m.	65 dbA	60 dbA

c. No physical vibration shall be perceptible without the use of an instrument at or beyond the lot lines.

748.02 Heat

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

748.03 Lighting

a. When any property on which any type of use is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No beams of light shall be directed toward adjacent properties or toward public roads, except from street lights intended for the lighting of streets, the location of which have been approved by the Township and the appropriate utility company. No lighting shall be utilized in such a manner to produce a light intensity greater than one-half foot-candle beyond the boundaries of the illuminated property.

749 Non-conforming Residences

Notwithstanding Sections 1053 and 1055 herein, existing residences which are non-conforming uses because they are located in the I-C Industrial-Commercial District may be replaced with a single family detached residence on the same lot, and may be enlarged or expanded, subject to compliance with all lot area, width, building coverage, height, and yard regulations applicable to commercial uses in the I-C Industrial-Commercial District.

SECTION 800

THE LAWRENCE KIEFFER AND WILLIAM MOORE

EAP - EFFECTIVE AGRICULTURAL PRESERVATION DISTRICT

810 DECLARATION OF LEGISLATIVE INTENT

In expansion of the Declaration of Purpose and Statement of Community Development Objectives found in Sections 130 and 140 of Article I of this ordinance, it is the intent of this article to provide regulations for agricultural uses in conformance with the following objectives:

811 To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's Executive Order of October 14, 1997. Those areas being Preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974 (Clean and Green) or Act 515 of 1996 as Amended, and Land Capability Classes I, II, III and IV;

812 To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the State of Pennsylvania.

813 To preserve agriculture as a viable component of Tulpehocken Township's economy;

814 To promote agricultural land uses and activities and uses which act in direct support of agriculture;

815 To manage land uses and limit those types of development which are detrimental to agricultural activities and which require additional public facilities and services in excess of those required by agricultural uses;

816 To separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities, by guiding those types of development into more appropriate zoning districts;

817 To maintain the land resource base, that is, agricultural parcels or farms, in sizes which will permit efficient, profitable agricultural operations;

818 To put into action the goals of the Tulpehocken Township Comprehensive Plan which contains the goal of preserving agriculture and farmlands and promoting them as a part of the local economy;

819 To support the goals and land use plan of the Berks County Comprehensive Plan which determined that Tulpehocken Township is an area which needs to be preserved for agricultural uses; and

820 To achieve compliance with Sections 603(b)(5) and 604(3) of the Municipalities Planning Code which directs that zoning ordinances contain provisions designed to "preserve prime agriculture and farmland considering topography, soil type and classification, and present use."

830 USE REGULATIONS

831 Permitted Principal Uses

831.01 General Agriculture (pursuant to Section 1029).

831.02 Intensive Agriculture not exceeding 5.0 animal units per acre (except swine production exceeding 2.0 animal units per acre) or not exceeding 100,000 square feet of growing space for mushroom production, or not exceeding 50,000 square feet of greenhouse area (pursuant to Section 1030).

831.03 Roadside stand (pursuant to Section 1028).

831.04 Agricultural industries.

831.05 Woodland, game preserve, wildlife sanctuary or other conservation purpose.

831.06 Single family detached dwellings (pursuant to Sections 850 and 870).

831.07 Stockyard (pursuant to Section 1035).

831.08 Municipal uses.

831.09 Forestry Activities.

832 Permitted Accessory Uses

832.01 Private garage or private parking area (pursuant to Section 1012).

832.02 Customary accessory structure and use.

832.03 Home occupation (pursuant to Section 333).

832.04 Private non-commercial swimming pool (pursuant to Section 1025).

832.05 Processing of farm products where such use is accessory to the raising or growing of such products and is located on the same property as the products are raised or grown.

832.06 Signs pursuant to Section 1040.

832.07 One single family detached dwelling is permitted by right as an accessory use on a property the principal use of which is agricultural.

832.08 Recreational use by the owner of the property and his or her family, such as hunting, fishing, picnicking and camping.

833 Conditional uses

833.01 Landfills, sanitary or otherwise, when operated by an individual or a municipality, provided that the service area shall include Tulpehocken Township, and that the landfill shall serve the residents of Tulpehocken Township on an equal basis with its other customers (pursuant to Section 1072).

833.02 Extraction of mineral or water resources for removal from the property including petroleum, natural gas, water and similar resources.

833.03 Sewage disposal/treatment site or incinerator where such shall serve the residents of Tulpehocken Township on an equal basis with the facility's other customers.

834 Special exception uses

834.01 Intensive agriculture exceeding 5.0 animal units per acre (other than swine production), swine production exceeding 2.0 animal units per acre, or mushroom production greater than 100,000 square feet of growing space, or greenhouse area exceeding 50,000 square feet.

834.02 Small, farm-related business services and craft industries necessary to the conduct of agricultural activities, including but not limited to farm machinery repair, welding shop, butcher shop, and saddle/harness sales and repair (tack shop), provided: (1) the small, farm-related business service or craft industry is operated by the property owner and is secondary to the property owner's principal use of the property for agricultural activities; (2) the small, farm-related business service or craft industry is carried out for the purpose of supplementing the property owner's income from the principal use of the property for agricultural purposes, so as to support the economic viability of the property owner's agricultural activities on the same property; and (3) the requirements of Section 1027 are met.

834.03 Sale, repair and service of agricultural equipment (pursuant to Section 1032).

834.04 Horseback riding school, commercial stables.

834.05 Feeding operations from food materials.

834.06 Cemetery or mausoleum.

834.07 Fish hatchery and aquaculture.

834.08 Bed and breakfast (pursuant to Section 1033).

834.09 Animal hospital, veterinary facilities, and kennels (pursuant to Section 1026).

834.10 Single family semi-detached, two family detached, and Apartment Buildings as an accessory use for temporary quarters for farm laborers, incidental and necessary to the gathering of crops grown on the same premises and conforming to all State and/or Federal requirements.

834.11 Recreational uses, excluding those by property owner and his or her family but including other private or commercial as well as public recreational use, such as parks, camps, picnic areas, golf courses, fishing, sport, boating or membership clubs, excluding those creating an audible nuisance; not to include enclosed structures but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas; and provided that at least fifty percent (50%) of the lot area previously used as active agriculture must continue to be used in active agriculture.

834.12 Tower or antenna for communication, television or radio transmission, receiving or relay, together with a structure for equipment connected therewith (pursuant to Section 1080).

834.13 Churches.

834.14 Rural enterprise, subject to the following conditions (in addition to any which may be imposed by the Board): (1) no more than five (5) persons may be employed in the business; (2) the building or buildings housing the use may not exceed a footprint area, in the aggregate, of 2,500 square feet; (3) the use may occupy no more than one acre of land; (4) location of the rural enterprise on the property shall conform to the regulations under Section 872; and (5) preference shall be given locating the rural enterprise on previously developed or already disturbed land so as to minimize the impact on tillable agricultural land.

840 DIMENSIONAL STANDARDS

841 Minimum Lot Area

841.01 Agriculture - 75 acres, except as may be necessary pursuant to Sections 1029 and 1030 to accommodate a specifically proposed use, and except as may be necessary for an original tract to be subdivided up to the maximum residential units permitted under Section 871 hereof.

841.02 Single family detached dwelling - 1 acre.

841.03 Other non-residential uses - 2 acres except as may be required by specific standards for the proposed use as contained herein.

842 Maximum Lot Area

842.01 Single family detached dwelling - 1.5 acres, except as may be allowed by Section 873.

843 Minimum Lot Width

843.01 Agriculture - 250 feet.

843.02 Single family detached dwelling - 180 feet.

843.03 Non-residential uses - 250 feet.

844 Minimum Yard Requirements for Buildings or Structures

844.01 Front yard

844.011 Pursuant to Nutrient Management Act, where building or structure is subject to Nutrient Management Act.

844.012 All other uses permitted in this district - 50 feet, or pursuant to Section 1018 and except as may be required by specific standards for the proposed use as contained herein.

844.02 Side yard, each

844.021 Pursuant to Nutrient Management Act, where building or structure is subject to Nutrient Management Act.

844.022 All other uses permitted in this district - 30 feet, except as may be required by specific standards for the proposed use as contained herein.

844.04 Rear yard

844.041 Pursuant to Nutrient Management Act, where building or structure is subject to Nutrient Management Act.

844.042 Residential accessory structures – 15 feet.

844.043 All other uses permitted in this district - 50 feet, except as may be required by specific standards for the proposed use as contained herein.

845 Maximum Height

845.01 35 feet residential use
50 feet other uses.

845.02 Silos, grain elevators or similar structures - none.

846 Maximum Building Coverage

846.01 General and intensive agriculture - 15 percent.

846.02 Residential uses - 10 percent.

846.03 Other uses - 15 percent.

847 Maximum Impervious Coverage

847.01 General and intensive agriculture - 25 percent.

847.02 Residential uses - 15 percent.

847.03 Other uses - 25 percent.

848 Provisions for Flag Lots

Flag Lots are prohibited in all zoning districts of the Township except for the EAP District and then only as specifically provided herein.

For purposes of this section, the terms "Flag Lot," "Access Strip" and "Access Road" shall have the following meanings: Flag Lot - a lot completely surrounded by adjacent lots except for a strip of land which is a part of the same parcel and is an Access Strip; Access Strip - a strip of land not less than 50 feet wide which abuts an Access Road and extends to the main building portion of the lot; Access Road - a public road, or a private road or recorded right-of-way across which the owner of the Flag Lot has a legal right of access to a public road; an Access Road shall meet the street requirements set forth in the Subdivision and Land Development Ordinance. A Flag Lot may be created in this zoning district provided the following conditions are satisfied:

848.01 The parcel from which a Flag Lot is created shall have an area of not more than 4 acres and shall have a frontage width of not less than 230 feet measured along the lot line parallel to the Access Road.

848.02 The Flag Lot must include an Access Strip to the building portion of the lot. The Access Strip shall be not less than 50 feet wide for its entire length and its area shall be included in determining the total lot area.

848.03 The Flag Lot's front yard shall be measured either from the lot line parallel to the Access Road or from the side lot line on the same side of the Access

Strip. The subdivider shall declare one of these to be the front yard and shall clearly label his choice on the plan. The rear yard shall be the yard opposite the declared front yard and the two side yards shall be the remaining yards.

848.04 Both the Flag Lot and any other lot created from the original parcel shall comply in all other respects with the requirements of Section 841 through 844.

850 GENERAL REQUIREMENTS AND REGULATIONS FOR SUBDIVISION OF A TRACT IN THE EAP DISTRICT

851 For the purposes of this Section 850, an original tract is all acreage, contiguous for any length, which was held in single and separate ownership on June 14, 1999 . This paragraph shall not apply to lots contained in existing approved subdivision plans of lots for residential use recorded on or before June 14, 1999 .

852 An existing building(s) may be separated from the original parcel only after it is determined that such building(s) has no functional utility in connection with the agricultural use of the original tract, i.e., acreage purchased by neighboring property owner who has a full set of buildings and has no need for another building(s) including the farmhouse.

853 All plans submitted for subdivision or land development purposes in the EAP District shall contain the following language in conspicuous form:

Agricultural Nuisance Disclaimer - All lands within the Effective Agricultural Preservation District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of any portion of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of any portion of this property should be prepared to accept these conditions (such inconveniences, discomfort, and possibility of injury from normal agricultural operations) and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

854 Wells shall be set back 50 feet from property lines which are or will be adjacent to lands used for agricultural purposes.

855 On any non-agricultural parcel, any shrubs, trees, or other plants and vegetation shall be set back such that the canopy at maturity will not encroach onto the adjoining property where the land use is for agricultural purposes. Where applicable, landscaping shall be provided per the requirements of the Subdivision and Land Development Ordinance.

856 When a tract is located within two zoning districts, only the acreage which is located within the EAP Effective Agricultural Preservation District of the tract shall be utilized when determining the number of additional residential units allowed for that portion of the tract, and any existing or proposed residential units located within the other zoning district shall not be counted when determining whether the maximum number of residential units permitted for the tract under Section 871 is reached.

857 When a tract is located within two Municipalities and/or Counties, only the acreage which is located within Tulpehocken Township of the tract shall be utilized when determining the number of additional residential units allowed for the tract, and any existing or proposed residential units located across the Municipal/County boundary shall not be counted when determining whether the maximum number of residential units permitted for the tract under Section 871 is reached.

858 A property owner submitting a subdivision plan will be required to specify on the record plan the used and unused residential units which the original tract is allowed as calculated in Section 871, and which lot or lots shall carry with it the right to subdivide for or erect any unused quota of such residential units; also, a hypothetical location for each unused residential unit shall be shown on the preliminary (but not on the record) plan. Any unused quota shall not be allotted to another residential lot. The total number of residential units for the original tract is fixed. The number does not change with land ownership, and all subsequent owners of any portion of an original tract are bound by the acts of any previous owner or owners.

860 REQUIREMENTS AND REGULATIONS FOR SUBDIVISION OF A TRACT FOR AGRICULTURAL USE

861 Any new division line being created between two agricultural use lots shall be agriculturally reasonable and shall not be created so as to render the agricultural use of the tracts less efficient; for example, under normal circumstances fields and contour strips shall not be split.

862 Even if the purpose of a subdivision is solely to create agricultural lots, the number of additional residential units must be calculated, and the plan must specify which lot or lots has the right to the unused quota of residential units as discussed further in Section 858.

863 Land for agricultural use may be subdivided from an existing agricultural use tract and annexed to an adjacent agricultural use tract even when the lot area of the residue agricultural use tract would be reduced to less than, or made more non-conforming relative to, the minimum lot area required under Section 841.01.

870 REQUIREMENTS AND REGULATIONS FOR SUBDIVISION OF A TRACT FOR RESIDENTIAL USE

871 Determination of the permitted number of residential units shall be per the following:

871.01 The maximum number of residential units allowed for any original tract shall be based upon the size of that tract.

871.02 For each original tract there shall be permitted the number of residential units as determined below in addition to those residential units located on the tract or parcel on June 14, 1999.

871.03 Subdivision is required for the location/construction of any allowed residential units beyond the number of units existing on June 14, 1999. For each original tract for which there is no existing residence, one residential unit may be constructed without subdivision and such residential unit shall not count against the residential units allowed under Section871.05; however, placement of the home shall be in accordance with all requirements contained herein as if the residence were to be located on a separate lot.

871.04 When a parish house is included with a place of worship it shall be considered one residential unit.

871.05 Sliding Scale for allowed additional residential units:

Size of Original Tract	Number of Additional Residential Units
up to 10.00 acres	2
10.01 to 25.00 acres	3
25.01 to 50.00 acres	4
50.01 to 100.00 acres	5
100.01 to 200.00 acres	6
200.01 to 300.00 acres	7
300.01 to 400.00 acres	8

for every additional 100 acres,
1 additional residential unit

872 New residential lots shall be located per the following:

872.01 Lots for new residential units shall consist of acreage where the Land Capability Class of the soil is ***Class V through VIII as mapped in the Soil Survey of Berks County prepared by the US Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service).***

872.02 Lots shall be located on land which is unsuitable for agricultural use as defined by this Ordinance in Section 890. Lands which have knowingly been changed, allowed to, or manipulated into becoming unproductive or inefficient for agricultural use after June 14, 1999 shall not be considered unsuitable for agricultural use.

872.03 Lots shall be located so as to minimize interference with agricultural production.

872.04 When more than one new residential unit is permitted, the lots shall be planned in concentrated groups or clustered so as to minimize interference with agricultural production. The construction of new residential streets is encouraged in order to facilitate grouping or clustering and to avoid the proliferation of driveway accesses onto existing streets.

872.05 Where location per 872.01 and 872.02 above is not feasible, lots may be located on soils classified as a higher quality and/or on land which is suitable for agricultural production; however, such residential lots shall be located on land that is the least suitable for agriculture, and so as to cause the least possible interference with agricultural production. Where a lot is located pursuant to the provisions of this paragraph, a narrative statement of the reasons justifying the application of this paragraph shall be submitted by the applicant to the Township prior to approval of the plan, and such statement shall be included with the Township's permanent file for such subdivision. A note referencing the existence of such statement in the files of the Township shall be included on the record plan.

873 The maximum lot area requirement may be increased up to a maximum of 5 acres if:

873.01 The property owner has sufficient land unsuitable for agricultural use, as defined in Section 890, to justify using more than the maximum acreage for the location of the proposed lot; or,

873.02 The physical characteristics of the land require more than the maximum acreage in order to locate the proposed dwelling, sewage disposal system, well and driveway; or,

873.03 The requirements of the Pennsylvania Department of Environmental Protection require a lot size which exceeds the maximum acreage; or,

873.04 When the existing dwelling and the entire set of agricultural buildings associated with a property is being separated from the original tract, the lot size shall be sufficient to include all of the buildings being separated and may include adjacent land unsuitable for agricultural use provided the inclusion of such additional land does not impair the owner of the property from locating all of his quota of residential lots (as permitted by this article) on land unsuitable for agricultural use.

873.05 The applicant shall have the burden of proving that the land he seeks to subdivide meets the criteria set forth herein.

873.06 Should subdivision result in a lot(s) large enough to be further subdivided, such lot(s) shall be deed restricted so that no subdivision of the lot is allowed.

874 ***Any landowner who disagrees with the classification of his land or any part of it by the Soil Survey of Berks County, Pennsylvania, issued September 1970***, may

submit an analysis prepared by a qualified professional for that portion of the tract which he seeks to have reclassified, and if the Board of Supervisors, upon recommendation of the Township Engineer, finds his study correct, it shall act in accordance with the results of such study. Lands which have knowingly been changed, allowed or manipulated so that their quality is unproductive or inefficient for agricultural use after June 14, 1999 shall not be reclassified.

880 REQUIREMENTS AND REGULATIONS FOR LOCATION OF USES OTHER THAN RESIDENTIAL USES

881 No tract may be subdivided to create a separate lot for the location of uses other than agricultural, municipal, church and residential uses.

882 Such uses must be located on the lowest quality agricultural soil as may be feasible so as to minimize the loss of agricultural land and so as to minimize interference with agricultural production.

890 DEFINITION - LAND UNSUITABLE FOR AGRICULTURAL USE

891 Land unsuitable for agricultural use is that which, due to existing features of the site such as rock outcroppings, swamp, heavy woodland, or slopes exceeding 15 percent, cannot be feasibly cultivated.

892 Land unsuitable for agricultural use is that which, due to the size and shape of the tract or parcel, is insufficient to permit efficient use of agricultural machinery. (For application of this section all acreage of the original tract of which the tract or parcel is a part must be considered.)

SECTION 900

EP - ENVIRONMENTAL PROTECTION

910 OVERLAY CONCEPT

The Environmental Protection Overlay District shall be an overlay on all zoning districts. Environmental Protection Overlay areas are those areas where there are natural limitations upon development of any kind; such limitations include but are not limited to natural, not manmade, slope greater than fifteen (15) percent, wetlands and floodplains. The more restrictive regulations of either the Environmental Protection Overlay District or the underlying district shall take precedence.

915 INTENT

The Environmental Protection Overlay District includes those areas where there are natural limitations upon development of any kind; such limitations include but are not limited to slope greater than fifteen (15) percent, and flood plains. Regulations in these districts have been established to prohibit all but extremely low density development in conformance with the Township Comprehensive Plan. Flood Plain areas, which are part of the Environmental Protection area, are those which the U.S. Soil Conservation Service has certified as subject to periodic flooding. For the reasons of health and safety permanent structures are not suitable in these areas.

920 PERMITTED AND ACCESSORY USES

Within any Environmental Protection area shown on the Zoning Map, no building, structure, lot, or land shall be used for other than one or more of the permitted or accessory uses listed for said District, except when provided for as non-conforming buildings in Section 1050.

930 HEIGHT

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided for in Supplementary Regulations, Section 1014.

940 LOCATION OF ENVIRONMENTAL PROTECTION AREAS

941 The slope portions of areas designated as "Environmental Protection" on the official Zoning Map are based on the topographical contours prepared by the United States Geological Survey.

942 The flood plains are based on: (a) those areas subject to inundation by the one hundred (100) year flood as delineated by the Flood Insurance Study and accompanying Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated July 3, 2012, or the most recent revision thereof, and (b) the Berks County Soil Survey. In areas where the Flood Insurance Study does not delineate a one hundred (100) year flood elevation, the Township shall determine said elevation and a floodway area, if available, from existing studies prepared by a Federal, State, County or other acceptable source. If said studies are not available,

the Township may require the applicant to determine the one hundred (100) year flood elevation through the submission of detailed hydrologic and hydraulic analyses performed only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Said studies shall be submitted in sufficient detail to permit a thorough review and approval by the Township. Where a difference exists between these two documents, the document which delineates the greater area shall be used. Any changes to the data contained in the Flood Insurance Study are subject to the approval of the Federal Insurance Administration.

943 The Environmental Protection Overlay areas as depicted on the official Zoning Map shall be used to determine where the provisions of the district shall apply. It shall not be considered an exact delineation for the purposes of applying specific regulations of the district unless all proposed uses, including earth moving activities associated with them, are setback a distance of at least one hundred (100) feet from areas designated as Environmental Protection Overlay on the official Zoning Map and it is confirmed by the Township Zoning Officer or other Township consultant that this distance is estimated or measured conservatively.

950 APPROVAL PROCEDURE

Plans for all uses which will be located in or within a distance of one hundred (100) feet from areas designated as Environmental Protection on the official Zoning Map shall be subject to the following procedure:

951 To determine the exact extent and nature of areas susceptible to potential problems of land slippage, flooding, erosion, or water pollution in such areas the Zoning Officer shall require that a detailed on-site survey be made in conjunction with a review of the Berks County Soil Survey to determine those soils that are in one of the above areas. Such on-site survey shall be made by a qualified engineer, surveyor and/or soil scientist in accordance with accepted on-site survey techniques, and shall show wetlands, existing and proposed contours at two (2) foot intervals, delineation and classification of the soils with engineering properties of each soil type including on-site percolation data.

970 FLOOD PLAIN PORTION OF THE ENVIRONMENTAL PROTECTION AREA

971 Permitted Principal Uses

971.01 Cultivation and harvesting of crops in accordance with recognized best management practices.

971.02 Pasture and grazing in accordance with recognized best management practices.

971.03 Outdoor plant nursery or orchard in accordance with recognized best management practices.

971.04 Wildlife sanctuary, nature center, outdoor education laboratory, woodland preserve, or arboretum.

971.05 Game farm, fish hatchery, hunting and fishing reserves, or similar uses designed for the protection or propagation of wildlife.

971.06 Forestry, lumbering, and reforestation in accordance with recognized best management practices.

971.07 Front, side, and rear yards and not more than a total of fifty (50) percent of the required lot area in the underlying zoning district, provided such yards are not to be used for on-lot sewage disposal systems or for outdoor storage or dumping of any nature.

971.08 Overhead utility transmission lines.

972 Permitted Accessory Uses

972.01 Signs, pursuant to Section 1040.

972.02 Pervious roads, driveways, or parking areas and impervious driveways.

972.03 Accessory uses and structures customarily incidental to a permitted outdoor recreation use, such as refreshment stands, concessions, fireplaces, pavilions, and picnic tables, provided that such accessory uses are operated only when the main use is open and are being used in conjunction with the main use, and further provided that such accessory uses do not seriously impede, constrict or otherwise restrict flood flows.

972.04 Dams, culverts, and bridges, with the approval of the Pennsylvania Department of Environmental Protection and any other governmental with jurisdiction.

972.05 Sanitary or storm sewers, or impoundment basins.

972.06 Utility transmission lines located at or below grade.

973 Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Sections 1060 and1150.

973.01 Impervious roads or parking areas.

974 Approval for Special Exception Uses

The Zoning Hearing Board shall exercise discretion by permitting only those uses which are substantially in accord with the intent of this ordinance. In considering a use for approval by special permission, the Board shall consider the following.

974.01 The effect of the use shall not substantially alter the cross-sectional profile of the streams and flood plains at the location of the proposed use.

974.02 Adjacent stream neighbors shall not be unreasonably affected by the use.

974.03 The general welfare or public interest, either of Township residents or of residents of other municipalities in the same watershed, shall not be adversely affected.

975 Use Standards

976.01 No Permitted Use, Accessory Use, Special Exception Use, or any other development shall be permitted within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

976.02 No Permitted Use, Accessory Use, Special Exception Use, or any other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed use or development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

976.03 No encroachment, alteration, relocation or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office shall be notified by the Township prior to any such encroachment, alteration, or improvement.

976.04 No permit shall be issued until all other permits required under Federal and State law have been secured.

976.05 No Permitted Use, Accessory Use, Special Exception Use, or any other development shall be allowed in the flood plain unless it is in full compliance with Section 60.3(c) of the regulations for the National Flood Insurance Program.

980 STEEP SLOPE PORTION OF THE ENVIRONMENTAL PROTECTION AREA

981 Permitted Uses

Any use permitted in the underlying Zoning District.

982 Accessory Uses

Any accessory use permitted in the underlying Zoning District.

983 Special Exception Uses

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Sections 1060 and1150.

983.01 Public utility buildings, structures, or facilities.

984 Lot Area, Width, Building Coverage, and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot
All permitted uses	5 acres	250 ft.	10%

The regulations of this section shall be in effect when:

984.01 The proposed use is located on steep slopes;

984.02 A lot cannot be configured so that fifty (50) percent or less of the minimum lot area of the underlying zoning district is steep slopes; and

984.03 The excessive slopes provisions of Section 986 do not apply.

985 Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard With Abutting Street	Rear Yard
All permitted uses	60 ft.	40 ft.	60 ft.	60 ft.

The provisions of this section shall be in effect only when the provisions of Section 984 are in effect.

986 Excessive Slopes

Generally, no development should be permitted on slopes of 25 percent or greater. Open space, forestry and wildlife protection uses are considered to be appropriate uses of these areas. However, development plans for lots at least 5 acres in size and otherwise meeting the provisions of Sections 984 and 985 may be approved, after review and comment by the Township Planning Commission.

987 Approval Procedures

All approvals for development of steep slope areas shall be based upon the following findings of fact:

988.01 That erosion problems will not be created by the proposed development.

988.02 That adequate provisions have been made to assure an adequate supply of water to the proposed parcel(s) in the development plan.

988.03 That adequate provisions for proper sewage disposal have been made and approved by the Department of Environmental Protection so that the public health will be safeguarded.

988.04 Any parcels proposed for development shall abut public roads.

988.05 That the development plan shows that an adequate buildable area exists on each parcel.

990 WETLANDS PORTION OF ENVIRONMENTAL PROTECTION OVERLAY DISTRICT

991 Use Regulations

991.01 Only those activities or uses permitted by the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers or other county, State or Federal Agency having jurisdiction shall be allowed in a wetland. Unless a permit for a specific use or activity is issued, no construction or development shall be allowed in a wetland.

991.02Pasture and grazing in accordance with recognized best management practices are permitted in a wetland.

991.03Cultivation and harvesting of crops in accordance with recognized best management practices is permitted in a wetland.

991.04Wildlife sanctuary or woodland preserve is permitted in a wetland.

992 Buffer yard

A minimum ten (10) foot buffer shall be provided along the perimeter of the wetland boundary in which there shall be no construction or development. Routine maintenance of the buffer yard shall be permitted in accordance with recognized best management practices.

SECTION 1000

SUPPLEMENTARY REGULATIONS

1010 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

1011 Prohibited Uses

Any trade, industry or use which the Township can show to be noxious or offensive by reason of the emission of smoke, noise, gas, odor, dust, vibration or excessive light beyond the limits of its lot or to be dangerous or prejudicial to the public health, safety or general welfare is prohibited.

1012 Placement of Accessory Uses and Structures

The placement of a private garage, accessory parking area or other accessory building or use, shall be subject to the following requirements:

1012.01 A one story accessory building may be constructed within the rear yard, if it is at least five (5) feet from the rear lot line or within the side yard, if it is at least five (5) feet from the side lot line, provided that this building is less than 770 sq. ft. in floor area, with no length or width dimension greater than 32 ft., and less than 18 ft. in height.

1012.02 Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Ordinance.

1012.03 No private garage or other accessory building shall be within a required front yard in any District, or side yard in any District (except as provided in Section 1012.01). In the Commercial and Industrial District, unroofed parking areas are permissible in required front yards and in portions of side yards not otherwise required for a planting screen, provided that the parking area is of sufficient size for vehicle storage and maneuvering, and provided that ingress and egress points are clearly established for the safe channelization of traffic to and from the adjacent streets.

1012.04 Any access driveway may be located within a required side yard and required front yard.

1012.05 Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

1012.06 No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.

1012.07 Accessory private garages may be constructed within or under any portion of a main building.

1013 Division of Property by a Road

A natural subdivision is not created by the presence of a public road dividing a property. If a property is divided by a public road, that division of the property by the roadway shall not be considered an unnecessary hardship and a variance shall not be granted in the absence of some other basis for hardship.

1014 Height

Except as provided in Section 1080, nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio, or transmission line, tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, or similar structure. No such structure shall:

1014.01 Have lot coverage at the base in excess of 10 percent of the lot area.

1014.02 Be used for residency or tenancy purposes.

1015 Yards

1015.01 Front Yard. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting not more than eight (8) feet, or steps giving access to a porch or first floor entry door.

1015.02 All Yards. Every part of a required yard shall be open to the sky unobstructed by structures except for retaining walls and for accessory buildings in a rear yard or side yard, and except for the ordinary projections of basements access doors and steps, window wells and sills, belt courses, and for ornamental features projecting not more than six (6) inches.

1015.03 Open or lattice enclosed fireproof fire escapes or stairways. When required by law, open or lattice enclosed fireproof fire escapes and stairways shall be permitted to project into yards.

1015.04 Development of Lot Adjoining Front Yard Non-Conformity. Where an undeveloped residential lot is located between two developed residential lots, and where both of the adjoining residential lots are lawfully non-conforming as to the front yard requirement set forth in this Ordinance, then the owner of the undeveloped lot may elect to use the average front yard of the two adjoining developed residential lots as the front yard requirement for the construction of a residence on the undeveloped residential lot.

1015.05 Chimneys and Pilasters. The ordinary projections of chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

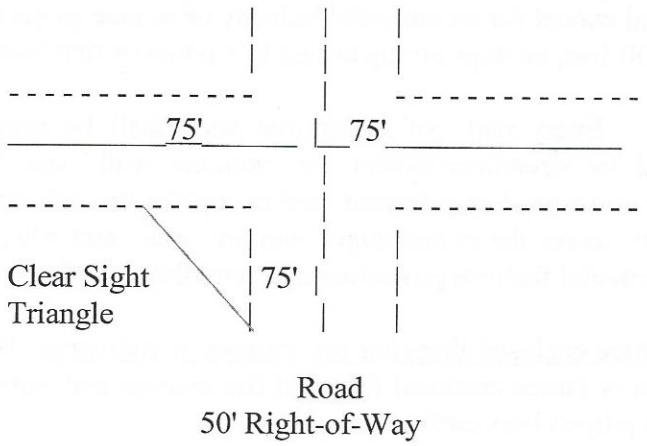
1016 Lots

1016.01 Principal Uses per Lot. A lot may include more than one permitted principal use per lot, provided that all of the yard, frontage, access, and other requirements of this Ordinance are met for each use as though each use were located on a separate lot.

1016.02 Through Lots. Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

1017 Corner Clearance

On a corner lot, within the triangular area (shown in the following figure) determined as provided in this Section, no wall or fence or other structure shall be erected to a height in excess of two (2) feet; and no vehicle, object or any other obstruction of a height in excess of two (2) feet shall be parked or placed; and no hedge, shrub or other growth, shall be maintained at a height in excess of two (2) feet, except for the erection of traffic control and road marking signs and trees whose branches are trimmed away to a height of no less than 12 feet above the curb. Such triangular area shall be determined by the intersecting street centerlines and a diagonal connecting two points, one at each street centerline, each of which points is 75 feet from the intersection of such street centerlines.



1018 Setbacks from Roads

1018.01 On roads classified as arterial highways by the Comprehensive Plan (major streets in the Subdivision and Land Development Ordinance), the required setback shall be 100 feet from the centerline of the existing or proposed road, or 50 feet from the edge of the existing or proposed right-of-way, whichever is greater.

1018.02 On roads classified as major collectors by the Comprehensive Plan, the required setback shall be 80 feet from the centerline of the existing or

proposed road, or 40 feet from the edge of the existing or proposed right-of-way, whichever is greater.

1018.03 In the vicinity of a limited access highway, not including at grade highway intersections, no building or structure shall be located less than 100 feet from the interchange right-of-way line and shall not be located less than 75 feet from the right-of-way line of a highway extending a distance of 500 feet or less from the end of an entrance or exit ramp.

1018.05 Where other setback and front yard requirements have been established in this Ordinance, those requirements will apply only if they are greater than those established in Sections 1018.02 – 1018.03.

1019 Special Setbacks from Quarries

No structure shall be erected closer to the near edge of a quarry than 200 feet plus one (1) foot for every foot that the maximum depth of the quarry exceeds 100 feet. The depth of the quarry shall be determined by measuring from the absolute highest point to absolute lowest point of the quarry.

1020 REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS

1021 Special Provisions for Yard and Lot Requirements for an Industrial Park and a Business Center Development

1021.01 The interior lot and yard requirements for individual sites located in an Industrial Park shall not apply when the overall development is based on an overall site plan. However, main buildings shall generally not be placed closer together than the height of the higher building; front yard requirements along public streets and rights-of-way shall be observed. Minimum lot and yard requirements shall not apply for individual sites, provided the average area of all sites in the industrial park is not less than the minimum area requirements of the District in which it is located, and no single lot shall be less than ½ the minimum requirement. Average areas shall be computed and based on the complete original plan.

1021.02 Where the side lot lines of two structures in a Business Center Development or two Business Center Developments abut each other, side yard requirements for said abutting side yards shall not apply so that the resulting space may be utilized to create a continuous and compatible design and use of site area for buildings, parking, pedestrian and vehicular access and circulation.

1022 Garages, Filling Stations, and Car Washing Stations - Special Provisions

1022.01 No public or private garage accommodating more than five (5) vehicles and no filling station shall be located or shall have any entrance or exit within 200 feet of the entrance or exit to a public or parochial school, private

school, public library, theater, assembly hall, church, hospital, semi-public institution, public park, playground or fire station.

1022.02 All public garage and filling stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural Residential District boundary line.

1023 Private Garages or Private Parking Area in Residential, Agricultural and Preservation Districts

A private garage or private parking area may be utilized only as an accessory use to the main use, except that no more than two (2) parking spaces in a private garage accessory to a one family or two family dwelling may be rented to a person who is not a resident of the main building.

1024 Private Garages Accessory to Apartment Buildings

In private garages accessory to Apartment Buildings, no commercial repairing of cars shall be done, but washing of tenants' cars shall be permitted.

1025 Private Swimming Pool (Non-Commercial)

1025.01 A private swimming pool which is designed to contain a water depth of 24 inches or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of these regulations. A permit shall be required to locate and construct a non-commercial swimming pool.

1025.02 Such pool shall be located in a rear or side yard only.

1025.03 Every non-commercial swimming pool shall be entirely enclosed with a good quality chain link wire, wooden or other equivalent fence of not less than four (4) feet in height. Above-ground pools with a wall height of four (4) feet or more are excluded from this requirement but shall have access to the pool controlled with locking gates or similar means. Outdoor whirlpools shall have a proper cover, as recommended by the manufacturer, to prevent access when not in use. These requirements shall be considered a minimum standard, and shall not eliminate the responsibility of the property owner to comply with any and all other local, state or federal regulatory requirements.

1025.04 Such pool shall be not less than fifteen (15) feet from side and rear lot lines. In cases where the side and/or rear lot lines coincide or abut street right-of-way lines, such pools shall not be located less than fifteen (15) feet from the street right-of-way lines.

1025.05 No loud speaker or amplifying device shall be permitted which will project sound beyond the bounds of the property or lot where such pool is located.

1025.06 No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.

1026 Standards for Animal Hospitals, Veterinary Facilities, Kennels

1026.01 Animal Hospitals, Veterinary Facilities and Kennels without any outdoor pens, feed yards, and runs, and no kennel on same property shall have setback of 100 feet for buildings in which animals are house. Other buildings in which animals are housed shall be located at least 200 feet from all lot lines or existing street right-of-way lines.

1026.02 Kennels shall comply with all applicable State codes and regulations.

1026.03 No kennel shall be located on less than 4 acres.

1026.04 Buildings shall be adequately sound-proofed so that sound generated within the buildings cannot be perceived at the lot lines.

1026.05 Outdoor pens, feed yards, and runs shall be:

1026.051 At least 300 feet from any residential lot line; and

1026.052 At least 100 feet from any existing street right-of-way.

1026.06 A plan meeting the requirements of the Subdivision and Land Development Ordinance for landscaping and vegetative buffering is required.

1026.07 Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond any lot boundary.

1026.08 No dogs shall be permitted outdoors between the hours of 8:00 PM and 8:00 AM.

1027 Standards for Small Farm Related Business Services and Craft Industries

1027.01 There shall be a maximum of five employees in addition to the members of the resident family.

1027.02 The owner must protect adjacent properties from noise, dust and other potentially detrimental effects of the commercial activity or use.

1027.03 The premises shall be kept neat and orderly.

1027.04 Outdoor storage of raw materials may be permitted, and finished products may be displayed outdoors, when approved by the Zoning Hearing Board. All outdoor items must be located a minimum of 50 feet from all property lines.

1027.05 Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond any lot boundary.

1027.06 The size of the building housing the use shall be a maximum of 2500 square feet.

1027.07 A plan meeting the requirements of the Subdivision and Land Development Ordinance for landscaping and vegetative buffering is required.

1028 Standards for Roadside Stands

1028.01 The area where the products are displayed or sold shall not exceed 800 square feet.

1028.02 The stand shall be at least 50 feet from any intersection and shall be at least 25 feet from the edge of the legal right-of-way line of any adjoining street.

1028.03 The stand shall be portable, shall be maintained in good condition, and shall be removed during seasons when products are not being offered for sale; except that a stand may remain in place throughout the year if it is located a minimum of 50 feet from any existing street right-of-way line.

1028.04 Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Section 1043. Parking shall be provided for a minimum of six vehicles.

1028.05 At least fifty (50) percent of the gross income of the stand must be from products grown on the farm on which the roadside stand is located.

1029 Standards for General Agriculture

1029.01 The raising and ownership of horses, cattle, swine, sheep, goats, poultry, rabbits or similar animals, shall be limited to a maximum of 0.5 animal units per acre on tracts or parcels of 5 or less contiguous acres. Horses used primarily as the principle mode of transportation by the occupants of the property shall not count against the limitation of this section.

1029.02 The raising and ownership of horses, cattle, swine, sheep, goats, poultry, rabbits or similar animals, shall be limited to a maximum of 2.0 animal units per acre on tracts or parcels of more than 5 contiguous acres.

1029.03 All areas utilized for grazing purposes shall be properly fenced. Fences shall be located outside of the legal right-of-way of any street. Adjacent to non-agricultural uses, the fence shall be set back a minimum of five (5) feet from the property line unless the applicant produces a notarized letter from the neighboring property owner allowing the fence to be erected closer to or on the property line.

1030 Standards for Intensive Agriculture

1030.01 Animal units that exceed the amounts specified under general agriculture shall be considered as intensive agriculture.

1030.02 All intensive agriculture activities shall be conducted on lands that exceed 25 acres in size.

1030.03 The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals, shall be limited to a maximum of 5.0 animal units per acre on tracts or parcels of 25 or more contiguous acres. Any use that requires more than 5.0 animal units per acre shall be required to obtain approval of a special exception.

1030.04 No agricultural structure, facility or accessory building shall be constructed closer to a property line than allowed by the setbacks established in Section 840.

1030.05 All areas utilized for grazing purposes shall be properly fenced. Fences shall be located outside of the legal right-of-way of any street. Adjacent to non-agricultural uses the fence shall be set back a minimum of five (5) feet from the property line unless the applicant produces a notarized letter from the neighboring property owner allowing the fence to be erected closer to or on the property line.

1031 Standards for the Mushroom Industry

In addition to the applicable provisions of Section 1030, the following requirements shall be met:

1031.01 Mushroom houses shall be operated under the guidelines of "Best Practices for Environmental Protection in the Mushroom Farm Community" dated December 1997 by the Pennsylvania Department of Environmental Protection.

1031.02 Sufficient off-street area shall be provided to allow maneuverability, parking and loading of delivery and supply trucks and other vehicles.

1032 Standards for Agricultural Industries

1032.01 The applicant must provide evidence that the proposed use is important to local farming and is of a size to primarily serve local users.

1032.02 Sufficient off-street area shall be provided to accommodate parking, loading and maneuverability of customer, delivery and other vehicles.

1032.03 Any building constructed for use by the agricultural industry shall be of a type that can be converted to agricultural use in the event the agricultural industry is discontinued.

1032.04 Off-street parking shall be provided per Section 1043.

1032.05 Outdoor storage of raw or waste materials may be permitted when approved by the Board of Supervisors. The display of farm equipment or retail items which are for sale is allowed.

1032.06 If any proposed use presents a fire hazard, emits smoke, dust or other air pollutants, noise, light/glare, or creates a nuisance as a result of the operation, conditions may be attached as deemed necessary by the Township Board of Supervisors upon recommendation of the Township Planning Commission to adequately control and mitigate the potentially detrimental effects that any such agricultural industry may have on the surrounding area.

1032.07 The building area of the building housing the use shall be a maximum of 10,000 square feet.

1032.08 Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond any lot boundary.

1033 Standards for Bed and Breakfast Inns

1033.01 The maximum number of rooms for rent shall not exceed four.

1033.02 Adequate sewage disposal capacity shall be provided in accordance with Pennsylvania Department of Environmental Protection regulations.

1033.03 Adequate off-street parking must be provided per Section 1043.

1033.04 No cooking facilities are permitted within the rooms for rent.

1033.05 Owners shall comply with all federal, state, and local requirements for the preparation, handling, and serving of food and beverages.

1033.06 The exterior of the structure to be used as the bed and breakfast shall not be changed in a manner which alters the appearance so that it is architecturally incompatible with the styling of country homes typically found in the area except as required for safety and other building code requirements.

1033.07 Signs shall be erected in accordance with Section 1040.

1034 Standards for Nurseries, Greenhouses and Tree Farms

In addition to the applicable provisions of Section 1030, the following requirements shall be met:

1034.01 When direct sales to the general public are a part of such operations, the Agricultural Industry Standards shall apply.

1034.02 Sufficient off-street area shall be provided to allow maneuverability, parking, and loading of delivery, supply trucks and other vehicles.

1034.03 Greenhouses shall be included in calculating the impervious coverage of the tract whether or not the cover material is permanent.

1034.04 Sufficient off-street parking shall be provided per Section 1043.

1035 Standards for Stockyards

1035.01 Sufficient off-street area shall be provided to allow maneuverability, parking and loading of trucks, trailers, and other vehicles.

1035.02 Sufficient off-street parking shall be provided per Section 1043.

1035.03 Slaughter activities shall not be permitted.

1035.04 If any stockyard presents a fire hazard, emits smoke, dust or other air pollutants, noise, light/glare, or creates a nuisance as a result of the operation, conditions may be attached as deemed necessary by the Township Board of Supervisors upon recommendation of the Township Planning Commission to adequately control and mitigate the potentially detrimental effects that the activity may have on the surrounding area.

1035.05 Any area to be utilized for animal holding or grazing purposes shall be properly fenced. Fences shall be located outside of the legal right-of-way of any street. Adjacent to non-agricultural uses, the fence shall be set back a minimum of five (5) feet from the property line unless the applicant produces a notarized letter from the neighboring property owner allowing the fence to be erected closer to or on the property line.

1035.06 Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond any lot boundary.

1036 Townhouses and Apartment Buildings

Townhouses and Apartment Buildings shall be allowed where provided for in this Zoning Ordinance, subject to the following requirements:

1036.01 Public or community sewer and water facilities shall be provided.

1036.02 The overall density of the development shall not exceed:

1036.021 For developments with central sewer and central water, seven (7) dwelling units per acre;

1036.022 For developments with central sewer and on-lot water (one well per Townhouse unit, one well per Apartment Building), three (3) dwelling units per acre; and

1036.023 For developments with on-lot sewer, 1.32 dwelling units per acre (minimum 33,000 square feet per dwelling unit).

1036.03 The maximum building height shall be thirty-five (35) feet.

1036.04 Open space requirements shall follow the requirements set forth in the Tulpehocken Township Subdivision and Land Development Ordinance, as amended.

1036.05 A plan shall be submitted to the Township depicting the use of common or residue land in the development, e.g. recreation areas, managed open space, tillable agricultural land. Such land shall be deed restricted against further development, and the deed restrictions shall be enforceable by Tulpehocken Township.

1036.06 A system for pedestrian circulation throughout the development shall be provided.

1036.07 The maximum length of an Apartment Building or Townhouse Block shall be one hundred feet (100').

1036.08 The number of Townhouses within a Townhouse Block shall not exceed four (4).

1036.09 No Apartment Building or Townhouse Block shall be located within forty (40) feet of a property line of the development.

1036.10 No Apartment Building or Townhouse Block shall be located within forty (40) feet of another dwelling.

1036.11 No Apartment Building or Townhouse shall be located within forty (40) feet of any street right-of-way line.

1036.12 Building Coverage:

1036.121 For a development served by central water and central sewer, no more than twenty-five percent (25%) of the net area of the development shall be covered by buildings.

1036.122 For developments which do not have both central water and central sewer (i.e., have on-lot water, sewer, or both), no more than fifteen percent (15%) of the net area of the development shall be covered by buildings.

1036.13 No more than twenty-five percent (25%) of the net area of the development shall consist of paved or other non-vegetated surface in addition to the building coverage in Section1036.12.

1036.14 If there is shared trash and rubbish collection within a development, exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash shall be contained in air-tight, vermin-proof containers.

1036.15 Common Parking Areas and access drives shall be located a minimum of ten (10) feet from all structures. Common Parking Areas shall be a minimum of fifteen (15) feet from all street rights-of-way and from the exterior lot lines of the development.

1036.16 Entrance and exit ways to Common Parking Areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.

1036.17 In the case of Townhouses for sale where the sale of land with the Townhouse will not be limited to the land actually covered by the Townhouse, the following regulations shall apply to the Townhouse lot:

Minimum lot width	20 feet
Minimum lot area	2000 sq. ft.
Minimum rear yard	25 feet
Minimum side yard (end of Townhouse Block)	20 feet

1036.18 In the case of Townhouses for sale where the sale of land with the Townhouse is limited to the land actually covered by the Townhouse, the minimum width of the Townhouse shall be twenty (20) feet.

1036.19 All developments shall provide a means of access to the rear yards of each Townhouse or Apartment Building, which access may be accomplished through the use of an easement.

1036.20 Parking Areas shall be designed to prevent through-traffic to other Parking Areas. No more than sixty (60) parking spaces shall be accommodated in any one Parking Area and all Parking Areas shall be landscaped in accordance with the provisions of the Tulpehocken Township Subdivision and Land Development Ordinance.

1036.21 Entrances to and exits from Common Parking Areas shall be located a minimum of forty (40) feet from the point of intersection of the nearest street curb lines.

1036.22 Except as provided in paragraph 1037.23, all Common Parking Areas and all access drives serving the Parking Areas shall be paved with a bituminous or concrete surface.

1036.23 If an off street Parking Area is provided for the parking of RVs and boats, such Parking Area shall be covered with an all-weather surface and adequately screened.

1040 SIGNS; PARKING AND TRUCK LOADING SPACE REQUIREMENTS

1041 Signs

1041.01 Conformance with Regulations

Any sign hereafter erected or maintained shall conform with the provisions of Sections 1041 and 1042 and all other regulations of Tulpehocken Township.

1041.02 Maximum Permitted Sizes

In all Districts, maximum permitted sizes of signs of each type shall be in accordance with the regulations contained in the following schedule:

BUSINESS SIGN

District	Professional or Announcement Sign on Residence Building	Identification of Business, Agriculture, or Industrial Building or Use	Real Estate "For Sale" or "For Rent" or Construction Sign	Off Premises Advertising Sign
EAP	2 sq. feet	24 sq. ft.	6 sq. ft.	See Section 1042.14
EP	2 sq. feet	12 sq. ft.	6 sq. ft.	See Section 1042.14
RR	2 sq. ft.	12 sq. ft.	6 sq. ft.	Not Permitted
IC	3 sq. ft.	(a) For each building wall or façade, a sign attached to the building wall with dimensions of 2 sq. ft. aggregate area for each one foot horizontal length, not to exceed 120 sq. ft. (b) For stand-alone sign – 64 sq. ft.	6 sq. ft.	Not Permitted
VC	3 sq. ft.	(a) For each building wall or façade, a sign attached to the building wall with dimensions of 2 sq. ft. aggregate area for each one foot horizontal length, not to exceed 120 sq. ft. (b) For stand-alone sign – 24 sq. ft.	6 sq. ft.	Not Permitted

1042 Supplemental Sign Regulations

1042.01 A professional or announcement sign of a home professional office or home occupation on a residence building shall be fixed flat on the main wall of such building, and shall not project more than six (6) inches, or may be erected in the front yard, but not within ten (10) feet of a street line. Such sign may be interior lighted in the cases of the office of a physician or dentist only.

1042.02 A name or announcement sign or signs, not over one hundred-twenty (120) square feet in area, fixed to the main wall of a church, parish house, club, school, or public or publicly-owned building shall be permitted, or may be erected in the front yard, but not within ten (10) feet of a street line. Such sign may be interior lighted. Not more than two (2) such signs shall be permitted on a lot.

1042.03 A real estate "For sale" or "For Rent" sign, or a construction sign, shall apply only to the property upon which it is placed. Not more than two (2) such signs shall be permitted on any one property or premise.

1042.04 Projection. No sign shall project more than three (3) feet from the building façade to which it is attached.

1042.05 Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such a sign extend above the height of the building. No sign structure that is not a part of or supported by a building shall be more than eighteen (18) feet in height above the average ground level at the base of such sign.

1042.06 Clearance. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, provided that necessary supports may extend through such open space.

1042.07 Spacing. No sign structure erected directly upon the ground shall be within five (5) feet of any other sign structure.

1042.08 Relationship to Street Intersection. No sign shall be erected, attached, or displayed within twenty-five (25) feet of the point of intersection of the street lines at a street corner.

1042.9 Illumination. Signs may be interior lighted with nonglaring lights, or may be illuminated by shielded flood lights; provided, however, that no red, green, or amber lights shall be permitted within seventy-five (75) feet of the point of intersection of the street lines at a street corner. All lights shall be shielded in such a manner that no detrimental light or glare will be created in the neighborhood.

1042.10 Open Lettered Signs. In a commercial-industrial district, when a business sign or signs of open lettering through which at least two-thirds of the circumscribing plain surface of building façade remains directly visible, such sign or signs, on each building façade, may have an aggregate area of six (6) square feet for each one (1) foot horizontal length of such façade, but shall not exceed an aggregate area of 150 square feet, a height of 15 feet or a width of 20 feet on any one façade.

1042.11 Road Marking Signs. Signs marking street names, road or intersection conditions, or other similar uses, and signs marking private street names shall not be subject to the preceding provisions of Section 1040.

1042.12 Every sign permitted by this Chapter must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become so dilapidated, such that it is unreasonable to repair, shall be removed at the expense of the owner or lessee.

1042.13 Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization are permitted, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive, or events. Such temporary signs shall not be displayed for more than thirty (30) days.

1042.14 Billboards. Off Premises advertising signs shall be permitted, upon approval by the Zoning Hearing Board as a Special Exception, only in the EAP (Agricultural) and the EP (Environmental Protection) Districts, and only along Route 419. Off Premises advertising signs shall be set back at least 10 ft. from any street right-of-way and have a maximum size of 288 square feet, with a width to height ratio of 2:1. No lights shall be permitted. The bottom of any advertising sign shall be at least 10 feet above the ground, providing that necessary supports may extend through such open space. Off Premises advertising signs are limited to no more than one per 0.5 mile including both sides of the road.

1042.15 Rotating and oscillating signs. No illuminated or non-illuminated signs shall have a flashing, moving, rotating, oscillating, shuttered, or similar device.

1043 Off-Street Parking

Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this Section.

1043.01 Individual Parking Spaces Parking areas shall be marked off into parking spaces, each with a minimum width of ten feet, and a minimum area of 200 square feet, exclusive of driveways and turning areas.

1043.02 Minimum Requirements for Accessory Garages or Parking Areas. As indicated in the following schedule:

Building Type	Minimum Parking Spaces Required	For Each
Boarding, lodging, or rooming house, Tourist Home	1	Guest bedroom and resident family
Single and Two Family Residential Dwelling	2*	Dwelling unit
Townhouse and Apartment Building	3	Dwelling unit
Hotel, Motel	1	Guest bedroom plus 1 space for each 3 employees
Church	1	4 members
Membership Club	1	4 members
Professional Office and Home Occupation in a Residential Building	1	Non-family employee plus 1 for each 300 feet net floor space used by such office or home occupation
Auditorium, stadium, theater, convention hall or similar place of public use	1	4 seats (Note: Bench capacity computed at 1 seat for each 20 inches.
Elementary and Junior High School	1	½ classroom (in addition to parking space required for auditorium)
Senior High School	1	¼ classroom (in addition to parking space required for auditorium)
Bowling Lane	3	Lane
Business Center Development	1	150 sq. ft. net floor space
Drive-in Restaurant or stand	10	1 for each 100 sq. ft. of net floor area in excess of 1,000 sq. ft.
Funeral Home	1	75 sq. ft. of assembly room space
Hospital	1	3 beds plus 1 for each 3 employees
Industrial, Wholesale distribution	1	1 employee
Medical Office building	1	100 sq. ft. of net floor space
Offices and Office building	1	200 sq. ft. of net floor space
Research institute or laboratory	1	1 employee
Retail store, shop, bank	1	150 sq. ft. of net floor space

* Do not need to be marked off and may include driveway area.

1043.03 Other Uses Not Specifically Listed.

The same requirements as for the most similar use listed in Section 1043.02.

1043.04 Mixed Uses

Total requirements shall be the sum of the requirements of the component uses computed separately.

1043.05 Fractional Space

In all Districts when required parking spaces results in the requirements of a fractional space, any fraction shall be construed as requiring a full space.

1043.06 Nonapplicability of Existing Buildings and Uses

The provisions of Section 1043.01 through 1043.05 shall not apply to any building, structure or use lawfully in existence at the effective date of this Ordinance, whether continued as a permitted or a non-conforming use, or thereafter converted or changed without enlargement to a different lawful use.

1044 Required Off-Street Truck Loading Spaces

1044.01 Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital and which has an aggregate net floor area of 5,000 square feet or more in any District where such uses are permitted, shall be provided with off-street truck loading spaces in accordance with the following schedule:

Square feet of Aggregate net Floor area devoted to such use	Required number of off-street truck loading spaces
5,000 to 25,000 sq. ft. in all Districts	1
25,001 to 40,000 sq. ft. in all Districts	2
40,001 to 100,000 sq. ft. in all Districts	3
Each additional 60,000 sq. ft. in all Districts	1 additional

1044.02 Size of Individual Truck Loading Space

An off-street truck loading space shall have a minimum width of ten (10) feet, a minimum length of sixty feet (60'), and minimum clear height of fourteen (14) feet including its access from the street.

1045 Access Driveways

1045.01 Access driveways for a public garage, public parking area, filling station, service station or car washing station may be used for separate or combined entrance or exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten (10) feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of

twenty (20) feet. No more than sixty (60) feet of total access driveways will be permitted.

1045.02 There may be no more than one access entrance and one exit; or one combined exit or entrance per lot with the exception of Business Center Developments and as pursuant with Section 1045.01

1045.03 Any access driveway may be located within a required side yard, required front yard, or required rear yard.

1050 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS OR STRUCTURES

1051 Application and Intent

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments thereto.

To avoid undue hardship, nothing in this Ordinance 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 Ordinance and on which actual building construction has been diligently carried on.

1052 Nonconforming Lots of Record

Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the Zoning District shall be met, provided, however, that when a subdivider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to effect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan within such time periods as are established within the Pennsylvania Municipalities Planning Code, as amended.

Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that District provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more lots, combination of lots, or portions of

lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all of part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

1053 Nonconforming Uses of Land

Lawful uses of land, which at the effective date of this Ordinance or subsequent amendment thereto become nonconforming, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the provision listed with the following sub-sections.

1053.1 Extension

No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

1053.2 Discontinuance

Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within thirty (30) days of date of discontinuance, a certificate of intention to maintain such use. If such certificate is filed the time period which a nonconforming use may be discontinued and still be reestablished shall be extended by a twelve (12) month period.

1053.3 Changes or Moving of Use

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may be changed to a conforming use or to a nonconforming use of a less offensive nature. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Ordinance.

1053.4 Additional Structures

No additional structures shall be erected in connection with such nonconforming use of land unless the land where the additional structure is proposed was already used in connection with the nonconforming use.

1054 Nonconforming Structures or Buildings

Lawful nonconforming structures or buildings which at the effective date of this Ordinance or subsequent amendment thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structures, may be continued as long as they remain otherwise lawful, subject to the provisions listed in the following subsections.

1054.1 Enlargement

A. A non-conforming building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.

B. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any applicable Area, Yard, and Height Regulation imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is non-conforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the building located within the required yard, provided that no repair, improvement, modification and/or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of the Ordinance. The width of an addition to said non-conforming principal building, which violates a front yard, as measured parallel to the street line, may not exceed that of the existing non-conforming building.

1054.2 Damage or Destruction

A non-conforming building or structure which has been damaged by fire, explosion, accident and/or calamity may be reconstructed and used for the same non-conforming use, provided that the reconstructed building or structure does not exceed the area, volume and height of the destroyed building or structure. In addition, building reconstruction shall be started within one (1) year from the date the building or structure was destroyed and shall be carried through without interruption.

1054.3 Moving of Structure.

No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the District in which it is located after it is moved.

1054.4 Replacement of Existing Mobile Home.

An existing mobile home which is nonconforming due to its location within a Village Center (VC) Zoning District may be replaced with a new mobile home. Replacement shall occur within one (1) year of removal.

1055 Nonconforming Use of Structures or Buildings or of Buildings and Land in Combination

Lawful nonconforming structures or buildings, or structures or buildings and land in combination, which exist at the effective date of this Ordinance or subsequent amendments thereto, that would not be allowed in the District under the terms of this Ordinance, may be continued so long as it remains otherwise lawful, subject to the provisions listed in the following sub-sections.

1055.1 Enlargement.

Any non-conforming use may be extended throughout the building which was in use for the non-conforming use at the time of adoption of this Ordinance but no such use shall be extended to occupy any additional land outside such building unless said land was already used in connection with the nonconforming use.

1055.2 Change of Use.

A nonconforming use of a structure, or premises and structure, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. Such determination shall be made by a Special Exception granted from the Zoning Hearing Board which shall take into consideration, among other things, the intent of the provisions for the District.

1055.3 Discontinuance.

Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the nonconforming use may not thereafter be resumed. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located.

1055.4 Destruction.

Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land and use. Destruction for the purpose of

this sub-Section is defined as damage to an extent of more than seventy five percent (75%) of the market value at the time of destruction.

1055.5 Flood Plain Areas

Any modification, alteration, reconstruction or improvement of any kind to an existing structure located in the one hundred (100) year flood plain to an extent or amount of fifty (50) percent or more of its market value shall be considered a substantial improvement and shall be undertaken only in full compliance with the provisions of Section 60.3(c) of the regulations for the National Flood Insurance Program.

1056 Unsafe or Unlawful Structures

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe due to lack of repairs and maintenance, and is declared by a duly authorized official, appointed by the Board of Supervisors, to be unsafe by reason of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the District in which it is located.

1057 Permitted Special Exception Uses

Any use which is permitted as a special exception in a Zoning District under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such Zoning District, but shall without further action be considered a conforming use.

1058 Certification of Intention

1058.1 Standards and Procedures

A Certificate of Intention shall be required in all instances where a nonconforming use of land or nonconforming use of a structure or building, is discontinued if the owner or operator of such uses desires to maintain such a nonconforming use.

The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered a ministerial duty of the Zoning Officer, who shall not refuse to accept the completed form.

The Zoning Officer shall maintain a separate file for all Certificates of Intention.

Each Certificate of Intention shall be valid for three (3) years.

1060 REQUIREMENTS FOR SPECIAL USE

1061 Standards for Certain Uses

1061.01 The size of a church shall be one acre per 100 members, with a minimum of an additional 3 acres if a school or recreation facilities is to be located on the same site.

1061.02 Any public or private school shall conform to the regulations established by the Pennsylvania Department of Education.

1061.03 No hospital shall be permitted unless it has been approved by the Pennsylvania Department of Health.

1061.04 Any emergency services building shall meet the following requirements :

1061.041 Driveway access shall be adequate to permit whatever equipment or vehicles that will be used to cross and turn without creating a traffic hazard.

1061.042 The following size standards shall be followed in the design of a fire station.

Station Size	Frontage	Depth	Total Area Square Feet
1 door	100'	140'	14,000
2 door	125'	140'	17,500
3 door	150'	140'	21,000
4 door	175'	140'	24,000

1061.05 The following parking requirements in addition to vehicle storage shall be applied for police, fire and ambulance stations.

Personnel	No. of Spaces
Chief	1
Assistant Chief(s)	1 each
Policemen, Firemen or Ambulance Personnel (Based on Maximum number on duty for two largest shifts)	1 each
Visitors	2 minimum

1062 Applicability of Higher Standards

The requirements of Section 1061 are supplementary to the provisions of any District. Where they are less than the regular requirements of the District, the District requirements shall prevail.

1070 CONDITIONS FOR CONDITIONAL USES

1071 General Standards

In considering any conditional use permitted by this Ordinance, the Board of Supervisors shall, among other things:

1071.01 Assure itself that the proposed use is consistent with the spirit, purpose and intent of the Zoning Ordinance.

1071.02 Determine that the proposed use will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

1071.03 Determine that the proposed use will serve the best interests of the Township, the convenience of the community (where applicable), and the public health, safety and welfare.

1071.04 Consider the effect of the proposed use upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.

1071.05 Be guided in its study, review and recommendation by sound standards of land development practice where applicable.

1071.06 Guide the development of state and county highway frontage insofar as possible so as to limit the total number of access points and to encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

1071.07 Impose such conditions, in addition to those required, as are necessary to assure compliance with the general purpose and intent of the Zoning Ordinance, which conditions shall include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, and minimization of noxious, offensive or hazardous elements.

1071.08 Weigh each case on its own merits, separately, based upon pertinent information presented or known to the Board, and without regard to any previous case.

1072 Landfills as a Conditional Use

1072.01 Applications

An applicant wishing to establish and operate a landfill shall present the following with the application:

1072.011 A topographical drawing, prepared by a professional engineer registered in the State of Pennsylvania, to a scale no greater than 1" – 100 feet, showing:

(1) Location of site relative to public roads;

(2) Owners of adjacent properties;

(3) Proposed fencing and improvements;

(4) Proposed screening;

(5) Cross sections showing the existing grades and the proposed grades upon completion and closure of the landfill;

(6) Landfill areas within the landfill site, to include staging of landfill development and the location of haul roads and access roads;

(7) Location of equipment cleaning and tire cleaning areas; and

(8) Location of weighing scales, firefighting equipment and all facilities.

1072.012 The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is the subject of the application;

1072.013 The names and current addresses of any and all persons having an interest in any business entity which may be set forth in answer to 1072.012 above, where such persons possess an ownership interest of ten percent (10%) or more;

1072.014 The names and current addresses of any and all persons having any interest in the operation or proposed operation, maintenance and use of the real estate in question as a landfill;

1072.015 The names and current addresses of any and all persons having an interest in any business entity which may be set forth in answer to 1072.014 above, where such persons possess an ownership interest of ten percent (10%) or more; and

1072.016 The identities and qualifications of personnel designated to manage the proposed facility, together with their intended responsibilities.

1072.017 All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Protection relating to solid waste processing and disposal systems are incorporated herein by reference, and the applicant shall be required to submit any and all plans, applications, data, materials, studies and information to the Board of Supervisors as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with that department.

1072.018 Statements indicating expected useful life of the landfill sites and the conditions and proposed uses of said site upon termination of operation, including but not limited to, any limitation on future uses due to decomposition gases.

1072.019 An access road survey, which shall include the following:

(1) Statement as to the estimated number of vehicles weighing over seventeen thousand (17,000) pounds, loaded, which are expected to use the landfill site on a daily basis during the first two (2) years of operation; and

(2) A plan indicating all roads anticipated to be used as access roads, as defined herein.

1072.0110 Statement of applicant's prior experience, if any, in operating landfills.

1072.0111 An environmental assessment statement, which shall include the following:

(1) A description of the proposed landfill and facilities;

(2) A physical description of the environment affected including, but not limited to, summary technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analysis and data including soil data, should be attached as appendices or footnoted with adequate bibliographic references;

(3) The inter-relationships and cumulative environmental (including economic) impact of the proposed landfill and

other landfills shall be stated with adequate technical analysis;

(4) The sources of data used to identify, quantify or evaluate any and all of environmental consequences must be expressly noted;

(5) The relationship of the proposed landfill to land use plans, policies and controls for the affected area, including a statement as to how the proposed landfill may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county and Township land use plans, policies and controls;

(6) An analysis of:

(a) The primary and secondary effects of the landfill and its capacity to stimulate or induce changes in patterns of social and/or economic activities:

(b) The impact on existing community facilities and activities, changes in natural conditions, animals, etc.; and

(c) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns;

(7) Specific data relating to the impact of the landfill on local vehicular traffic;

(8) Specific data relating to the impact of the landfill on local water supplies, streams and rivers;

(9) Specific data relating to the impact of the landfill on natural and manmade local storm drainage facilities and areas;

(10) Specific data relating to the impact of the landfill on the existing flood-hazard areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control for the Township;

(11) A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;

(12) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words short-term and long-term should be viewed in terms of the environmentally significant consequences of the proposed action;

(13) The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community;

(14) An analysis of the success and/or failure of similar projects, if the proposed project is of a non-conventional nature. Determination of the conventional or non-conventional character of the proposed project will be made by the Township Engineer;

(15) A statement of any adverse effects on employment, taxes and property values;

(16) A statement of any effects on community growth; and

(17) A statement describing the location and impact of the project on nearby recreation areas.

1072.0112 In developing the above data, applicant shall convey the required information succinctly in a form easily understood both by members of the public and by public decision makers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Statements should indicate, at appropriate points in the text, any underlying studies, reports, and other information obtained and considered by the applicant in preparing the statement. Care should be taken to insure that the statement remains an essentially self-contained instrument capable of being understood without the need for cross reference.

1072.0113 Each environmental statement should utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on the environment. Application of such an approach should help assure a systematic evaluation of reasonable alternatives, courses of action, and their potential social, economic, and environmental consequences.

1072.02 Requirements and Standards Applicable to Landfills

Prior to approving a site for use as a landfill, the Board of Supervisors shall require that:

1072.021 Any application for a landfill shall be in compliance with the requirements of the Pennsylvania Department of Environmental Protection and, prior to the onset of operation of such landfill, a permit must be obtained from Pennsylvania Department of Environmental Protection for said operations;

1072.022 The landfill shall be located so that safe and adequate access is available over public roads at all times. In doing so, any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four (24) feet (Paved Cartway) in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Board of Supervisors shall require that the cost of improvement of access roads to provide this standard of access shall be assessed against the applicant either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. Applicant shall give written assurance by corporate surety bond that, within one (1) year of termination of the landfill operation, all access roads will be restored, if necessary, to their condition as existing immediately prior to the commencement of the operation as determined by the Township Engineer.

1072.023 The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent papers and other refuse from blowing onto adjoining properties. The fence shall be galvanized metal wire mesh constructed of No. 9 gauge wire woven in a two (2) inch mesh in full conformance with the American Society of Testing Materials Specification A491-17. The surface height of the fence shall be eight (8) feet, plus an additional minimum of three (3) strands of barbed wire, installed, at least six (6) inches apart, onto brackets affixed to the top of the fence at an angle forty-five (45) degrees from vertical facing away from the landfill. The fence shall contain, at all entrances, gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such a manner as to prevent litter from dispersing onto the landfill site, no more than seventy-five (75) feet downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily and incorporated into the landfill.

1072.024 The landfill shall not be located on land mapped by the Soil Conservation Service as having either a high water table or seasonal high water table or which is subject to flooding or has high percolation rates.

1072.025 The landfill site shall be graded and provided with drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water. Quality and quantity of discharge upon adjacent property shall not exceed the same as it existed prior to the existence of the landfill.

1072.026 Burning and scavenging shall not be permitted.

1072.027 The landfill shall be located a minimum of four hundred (400) feet from any other zoning district boundary line, and at least five hundred (500) feet from any existing residence or any residence under construction at the time of application.

1072.028 The landfill shall be located a minimum of two hundred (200) feet from any street not located within the landfill site and two hundred (200) feet from any adjoining property line.

1072.029 Maximum lot size shall be seventy-five (75) acres.

1072.0210 The landfill, as well as all improvements erected on the landfill site, shall be screened from view from the adjoining property boundaries, by a buffer zone of a minimum of two hundred (200) feet between said site and improvements, and any adjoining property, in which shall be placed a planting screen consisting of a variety of evergreen trees in a solid double row minimum of ten (10) feet by ten (10) feet staggered planting with a minimum height of nine (9) feet so as to create a visual screening of said site and improvements from all adjoining real property.

1072.0211 Emission of unpleasant gases or odorous matter shall not be permitted in such quantities as to be offensive outside the boundaries of the landfill site. The sound pressure level of any operation within the landfill site shall not exceed, at any point along the landfill site boundary, the decibel level in the following octave bands:

OCTAVE BAND	MAXIMUM PERMITTED SOUND LEVEL
(cycles per second)	(Decibels)
10 to 600	45
600 to 2400	33
2400 to 4800	30
Above 4800	25

1072.0212 The grade of the landfill shall never exceed the highest point of natural elevation within the landfill site prior to commencement of the operation. The final grading of the land fill shall be done in a manner so that the landfill site is left in a useful condition. Owners and operators of the proposed landfill site are encouraged to provide for the future dedication of properties used for landfill purposes to the Township for park and recreational facilities.

1072.0213 Buildings shall be constructed on the landfill site to house equipment when not in use.

1072.0214 Necessary measures shall be taken to prevent and extinguish fires. Water at adequate volume and pressure, as determined by the Board of Supervisors, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles and pumps for minimizing fire hazards, shall be available at the site. All equipment and buildings shall be equipped with functional fire extinguishers.

1072.0215 The landfill shall contain an on-site scale, and all solid waste delivered to the landfill site shall be weighed and recorded pursuant to the requirements of this Ordinance.

1072.0216 A certified copy of all reports, data, plans and other material or information required to be submitted to Pennsylvania Department of Environmental Protection shall be submitted to the Board of Supervisors.

1072.0217 A tire cleaning area shall be provided on the access road within the landfill site. All tires on all trucks leaving the landfill site shall be cleaned. Runoff from the tire cleaning area shall be controlled in accordance with the provisions of the Pennsylvania Storm Water Management Act.

1072.0218 Landfill liners, when required by the Pennsylvania Department of Environmental Protection, shall be constructed of synthetic flexible polymeric material having a minimum field thickness of sixty (60) mils.

1072.0219 An equipment cleaning area shall be provided on the landfill site. All equipment used to grade and compact solid waste in the landfill shall be cleaned daily to prevent odor vectors, and other nuisances. All drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board of Supervisors.

1072.0220 Groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the landfill site as determined by the Township engineer. The water in each well shall be tested by the operator monthly for all items listed in the regulations of the Pennsylvania Department of Environmental Protection, and for all other additional items as may be required by the Board of Supervisors. The test results shall be submitted, in writing, to the Board of Supervisors within ten (10) days after the date of each test.

1072.0221 All facilities, equipment and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand held two way radio, capable of summoning emergency assistance from local police and fire departments.

1072.0222 The landfill site shall have at least one (1) emergency access entrance, which shall be locked except when used during an emergency situation. The operator shall provide a key to this entrance to the Board of Supervisors.

1072.0223 Sanitary toilet facilities, as approved by the Board of Supervisors, shall be constructed and made available for use by persons on the landfill site.

1072.03 Inspection of Sites

The Board of Supervisors shall, from time to time, cause its authorized representatives to inspect the landfill site to assure continued compliance with plans, specifications, regulations and procedures set forth in this Ordinance. It shall be the duty of the operator to make the landfill site available for inspection at all times. All expenses relating to said inspections shall be borne by the operator.

1072.04 Hazardous Waste

Disposal of hazardous waste, as defined by the Pennsylvania Solid Waste Management Act, on any landfill site within the Township is hereby prohibited, unless a certificate of public necessity has been obtained in accordance with the requirements established by the Pennsylvania Solid Waste Management Act. Once said certificate has been obtained, all provisions of this article shall apply to said disposal.

1072.05 Restraining Violations

In addition to any other remedies provided in this Ordinance, the Board of Supervisors may institute an action in equity in the Court of Common Pleas

of Berks County for an injunction to restrain a violation of this Ordinance or to mandate corrective action necessary to remedy any violation of the rules, regulations and standards of this Ordinance.

1072.06 Definitions Adopted By Reference

The definitions of the Pennsylvania Solid Waste Management Act, Act 97, adopted July 7, 1980, P.L. 380, as amended, 35 P.S. 6018.101, et seq., and of the Regulations of the Pennsylvania Department of Environmental Protection, Chapter 25, Pennsylvania Code, Section 75.1, et seq., as amended from time to time, are incorporated herein by reference as if set forth herein at length. In addition, the following definitions shall apply:

1072.061 Access Road – All roads, either public or private within the Township which are used by vehicles weighing over twenty thousand (20,000) pounds, loaded, to transport solid waste to a landfill.

1072.062 Scavenging – The uncontrolled removal of material from a landfill site.

1072.063 Landfill – a disposal facility or part of a facility where solid waste is placed in or on land.

1072.064 Disposal Facility – a facility or part of a facility, at which waste is placed into or on any land or water and at which waste will remain after closure.

1072.065 Facility – All land, structures, and other appurtenances or improvements on a property where solid waste is processed, stored, or disposed.

1072.066 Hazardous Waste – Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plan, or air pollution control facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under S402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical or infectious characteristics may:

1. cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

1072.067 Municipality – a city, borough, incorporated town, township, or county or any authority created by any of the foregoing.

1072.068 Sanitary Landfill - a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.

1072.069 Solid Waste - Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

1072.0610 Landfill Sites - tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.

1072.0611 Person - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, Federal Government or agency, State Institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

1072.0612 Haul Road - Any cartway within the landfill which shall be constructed for utilization in all weather conditions.

1072.0613 Liner - A continuous layer of materials constructed beneath a landfill which prevents the downward or lateral escape of solid waste, solid waste constituents, or leachate.

1080 COMMUNICATION TOWERS AND ANTENNAS

1080.1 Within the EAP – Effective Agricultural Preservation District, communication, television and radio transmission towers and antennas up to 180 feet in height are permitted by Special Exception, subject to the following criteria:

1080.2 Communication, television and radio transmission towers and antennas shall be permitted only on land unsuitable for agricultural use. Land unsuitable for agricultural use is (1) that which, due to existing features of the site such as rock outcroppings, swamp, heavy woodland, or slopes exceeding 15 percent, cannot be feasibly cultivated; or (2) that which, due to the size and shape of the area, is insufficient to permit efficient use of agricultural machinery.

1080.3 Site Plan - A site plan shall be prepared and submitted for any proposed communication tower pursuant to applicable zoning and subdivision ordinance requirements regarding preparation of a site plan. No site plan is required for communication antennas which are co-located on an existing communication tower or structure.

The following documentation shall be provided when communication antennas are co-located on an existing tower or structure.

a. Certification by a Professional Engineer registered in the Commonwealth of Pennsylvania that the existing tower or structure upon which the antenna(s) is to be placed is capable of safely supporting the added loads.

b. A notarized copy of the co-location agreement listing the names, addresses and telephone numbers of the landowner, tower or structure owner and operator, and co-locator.

1080.4 Setback - A communication tower, attached to the ground, shall be set back as follows:

a. The distance from the base of the proposed tower to the nearest residence shall be not less than 300 feet.

b. The distance from the base of the proposed tower to the nearest property or lease lot lines shall be not less than the full height of the tower.

c. Guy wire anchors, if used, shall be set back a minimum of 40 feet from any lot line.

d. If additional towers are present on the same lot, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting, or the nearest guy anchor of a non-self-supporting tower, shall not be less than the full height of the tallest tower.

1080.5 Base - The base and supporting equipment shed of a communication tower shall be surrounded by a secure fence with a minimum height of 8 feet.

1080.6 Co-location

a. Co-location on an existing tower or structure is required and no new communication towers will be permitted until all available space on existing towers or structures has been filled or the conditions of paragraph c. hereof have been met.

b. Owners and/or operators (or both) of communication towers and antennas shall, as a condition of the approval of such facilities under this Section 1080, make reasonable efforts to provide space on their towers for the co-location in the future of additional compatible communication antennas at reasonable commercial rates that prevail within the industry.

c. Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communication antennas on an existing building, structure or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one (1) mile radius of the proposed communication tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such structures.

1080.7 Landscaping - Landscaping, as described hereinafter, shall be required to screen the fence surrounding the tower and any other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping may be permitted, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and related equipment is housed inside an existing structure, landscaping shall not be required.

a. An evergreen screen shall be required to surround the site. The screen shall be either a hedge (planted 3 feet on center maximum) or a double row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity. The screen shall be maintained and dead plant material replaced with healthy material of like kind and size.

b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

1080.8 Parking - A minimum of two off-street parking spaces shall be provided for a communication tower.

1080.9 Wind Resistance

a. For any communication tower or antenna higher than 50 feet, the applicant shall provide certification from a registered professional engineer stating that the communication tower or antenna meets the wind resistance requirements stated in the latest version of the BOCA National Building Code. The registered professional engineer shall also certify to the overall structural integrity of the tower or antenna.

b. A zoning permit issued for the placement of a communication tower or antenna higher than 50 feet is valid for five (5) years from the date of issue and shall be renewed by the applicant prior to expiration. The initial application and any renewal application for a permit shall be accompanied by a report prepared and certified by a Professional Engineer registered in the Commonwealth of Pennsylvania stating that the physical condition and structural integrity of the communication tower or antenna is adequate to meet the wind resistance requirements stated in the latest version of the BOCA National Building Code.

1080.10 Certain Antennas Permitted by Right - Provided all of the other conditions of this Section 1080 are satisfied, communication antennas shall be a Permitted-by-Right use in all zoning districts if placed on an existing communication tower or public utility transmission tower.

1080.11 Federal Aviation Administration (FAA)

a. Documentation of FAA approval for communication towers or antennas exceeding 200 feet in height, shall be provided. Communication towers or antennas less than 200 feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended.

b. All communication towers or antennas shall be artificially lighted at their highest point.

c. Strobe type lighting is not acceptable. A flashing mechanism operating red warning lights is required for both day and night operations.

1080.12 Airport Coordination - The applicant for a proposed communication tower or antenna, shall notify the Reading Airport and any other existing airport located within a five mile radius of the proposed tower or antenna site, of its intent to place such structure(s). A copy of such notification and the reply of the airport operator shall accompany the application for Building and Zoning Permits.

1080.13 Federal Communications Commission (FCC)

a. Documentation that the communication company is licensed by the FCC shall be provided.

b. Documentation of FCC approval for the proposed communication tower or antenna shall be provided.

c. Documentation demonstrating that the proposed tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation shall be provided.

1080.14 Documentation of Need

a. The communication company shall demonstrate, using technological evidence, that the tower and/or antenna must go where it is proposed and that there is no other feasible location.

b. Prior to proposing the construction of a new communication tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing structure within close proximity of the chosen site. (Refer to Paragraph 1080.5 above).

1080.15 Removal of Communication Towers and Antennas – If a communication tower and/or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six (6) months of notice to do such by the Township. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the Township favoring the Township in an amount which will cover the estimated costs of tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six (6) months of notification by the Township. Notification of cessation of operation shall be provided by the owner or operator within thirty (30) days of such event.

1080.16 Exemptions

Public utility transmission towers owned and operated by a public utility company regulated by the Pennsylvania Public Utility Commission are exempt from the requirements of this Section 1080.

SECTION 1100

ZONING HEARING BOARD

1110 ORGANIZATION

1111 Creation of Board and General Grant of Power

The Board of Supervisors herein creates a Zoning Hearing Board, herein referred to as the "Board," members of which shall be appointed as provided for herein. The Board shall serve and perform all the duties and have all the powers as prescribed by Pennsylvania Municipalities Planning Code, as amended, other State Statutes, Township Ordinances, and as herein provided.

1112 Membership of Board

a. The membership of the Board shall consist of three residents of Tulpehocken Township appointed by resolution of the Township Supervisors. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township 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 elected or appointed office in Tulpehocken Township, nor shall any member be an employee of the Township.

b. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 1113 an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section1115 unless designated as a voting alternate member pursuant to Section 1113.

1113 Organization of Board

a. 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 Section 1120. The Board may make, alter and rescind rules and forms for its procedures, consistent with Ordinances of Tulpehocken 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 written report of its activities to the Township Supervisors once a year.

b. The chairman of the board may designate alternate members of the board from those persons appointed as provided in Section 1112(b) to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to reach a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case by case basis in rotation according to declining seniority among all alternates.

1114 Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or other just cause by a majority vote of the Township Supervisors, 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.

1115 Expenditures for Services

Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors. Alternate members of the board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1113, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

1120 HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1121 Public notice shall be given and written notice shall be given to , the applicant, the zoning officer, the Township Planning Commission, those property owners within 200 feet and to any person who has made timely request for the same. Written notices shall be given at least east one week prior to the hearing In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

1121.5 The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by Ordinance. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

1122 The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each hearing before the Board or Hearing Officer, subsequent to the first, shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the applications are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

1123 The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing waive decision or

findings by the Board and accept decision or findings of the Hearing Officer as final.

1123.5 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.

1124 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.

1125 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.

1125.5 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

1126 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.

1127 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 opportunity to be present.

1128 The Board or Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make finding on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the

Municipalities Planning Code or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under Section 1384, where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct, or complete the required hearing as provided in Subsection 1122 of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection 1121 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 urge that such decision is erroneous.

1129 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.

1129.5 The approval of any variance or special exception by the Zoning Hearing Board which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards, or change of use or occupancy for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of the issuance of the written decision granting such approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended or reduced as part of the initial approval. In the event that the activity anticipated by the variance or special exception should not be initiated within one (1) year of the approval or within such other term as may be expressed in the approval, or should the activity which is the subject of the variance or special exception be discontinued, the premises or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located. Obtaining a zoning permit in accordance with Section 1330 within such one (1) year period shall serve to keep the approval of a variance or special exception valid; however if construction is not initiated within six (6) months of the initial issuance

of the zoning permit, then such variance or special exception approval shall no longer be valid.

1130 JURISDICTION.

(a) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors.

(2) 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.

(3) Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(4) Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to the Tulpehocken Township Floodplain Ordinance.

(5) Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(6) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

(7) Appeals from the zoning officer's determination.

(8) Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications involving Article V, Subdivision and Land Development, or Article VII, Planned Residential Development, of the Municipalities Planning Code.

(b) The Board of Supervisors or, except as to clauses (3), (4) and (5), shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) All applications for approvals of planned residential developments under Article VII pursuant to the provisions of section 702 of the Municipalities Planning Code.

(2) All applications pursuant to section 508 for approval of subdivisions or land developments under Article V of the Municipalities Planning Code. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by a planning agency rather than the Board of Supervisors shall vest exclusive jurisdiction in the planning agency in lieu of the Board of Supervisors for purposes of the provisions of this paragraph.

(3) Applications for conditional use under the express provisions of the zoning ordinance.

(4) Applications for curative amendment to a zoning ordinance pursuant to Sections.

(5) All petitions for amendments to land use ordinances, pursuant to the procedures set forth herein and the Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

(6) Appeals from the determination of the zoning officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under Articles V and VII of the Municipalities Planning Code. Where such determination relates only to development not involving an application pursuant to Article V or VII of the Municipalities Planning Code, the appeal from such determination of the zoning officer or the municipal engineer shall be to the zoning hearing board pursuant to subsection 909.1(a)(9) of the Municipalities Planning Code. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the planning agency, all appeals from determinations under this paragraph shall be to the planning agency and all appeals from the decision of the planning agency shall be to court.

(7) Applications for a special encroachment permit pursuant to section 405 Municipalities Planning Code and applications for a permit pursuant to section 406 of the Municipalities Planning Code.

1131 MEDIATION OPTION

Parties to proceedings before the Zoning Hearing Board or the Board of Supervisors as provided for in this Ordinance or authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.

1132 APPLICABILITY OF JUDICIAL REMEDIES.

Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate pursuant to Pennsylvania R.C.P., Sections 1091 to 1098 (relating to mandamus).

1133 PRELIMINARY OPINION

If a landowner or applicant desires to obtain a Preliminary Opinion, the procedure therefor shall be pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

1140 VARIANCES

1141 Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and any required preliminary application to the zoning officer.

No application for a variance shall be granted by the Zoning Hearing Board until said Zoning Hearing Board has first received and considered an advisory report thereon from the Planning Commission. The Planning Commission shall have thirty (30) days from the date of its receipt of the application, within which to file its report thereon. In the event that the Planning Commission fails to file its report within thirty (30) days, the Planning Commission shall be deemed to have had no comment on such application. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application.

The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

1141.01 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

1141.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

1141.03 That such unnecessary hardship has not been created by the appellant;

1141.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

1141.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1141.06 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

1142 Specific Types of Variances

In conformity with its general power to vary or modify the provisions of this Ordinance, as provided in Section 1141 and pursuant to the guiding principles stated in this Section, the Zoning Hearing Board is hereby specifically empowered:

1142.01 To grant a permit for the enlargement or extension of a non-conforming use or on the lot occupied by such use or at the effective date of this Ordinance.

1142.01 To grant a certificate of compliance for a change in a non-conforming use; provided that the Board shall have made a determination that such change will be beneficial to the general neighborhood, and further provided that the non-conforming use to which it is changed is of the same or more restricted classification which is more appropriate to the neighborhood in which situated than the original non-conforming use.

1142.02 To grant a variance to exempt a , in whole or in part, from the front yard requirement of the District where such is adjacent to an existing building or buildings which have non-conforming front yards; provided, however, that such building shall not be permitted to have a front yard of less depth than of the average of the two immediately adjoining buildings, or than that of the only adjoining building when only one exists.

1142.04 To grant a variance modifying the side yard requirements on the side street frontage of a corner lot, in cases where such requirements would unduly reduce the buildable width of such corner lot.

1142.05 To waive the requirements of Section 1012 for accessory parking areas, in whole or in part in a case involving lack of need for such parking areas, where the lot is within five hundred (500) feet of a public parking area owned or operated by the Township, or by a public parking authority, measured in a straight line between the nearest point of such parking area and the nearest point of such lot.

1142.06 To waive the requirements of Section 1012 for accessory parking areas, in whole or in part, after making a finding that the normal application of such requirements is infeasible, because:

1142.061 The lot has too restricted an area, unusual dimensions, shape or topographical character; and

1142.062 No other suitable and adequate lot can reasonably be put to such use within five hundred (500) feet of the property to which said parking area is necessary.

1142.07 To permit a reduction in the number of parking spaces in accessory garages or parking areas originally provided and installed pursuant to the requirements of Section 1012 in cases where proof is furnished to the Board that, by reason of diminution in number of dwelling units or residents, or in floor area, seating capacity of area, number of employees, or change in other factors determining the demand for parking spaces, the proposed reduction will be consistent with the requirements of said Section 1012.

1142.08 To grant a temporary Zoning Permit for a period not to exceed one (1) year for a non-conforming building, structure, or use incidental to a building or other construction project, including such uses as the storage of building supplies and machinery, and a real estate office located on a tract of land where individual properties are being offered for sale; provided that such temporary permit shall be issued only upon written agreement by the owner or his agent to remove such building or structure upon expiration of such permit; and further provided that such permit shall be subject to such reasonable conditions as the Board shall determine to be necessary to protect the public health, safety, morals and general welfare. Such a permit may be renewed annually, at the discretion of the Board, over a period not to exceed three (3) years.

1142.09 To grant a variance allowing a structure or use to be erected or conducted on any lot with less than the required lot width, or lot area if separately owned and not adjacent to any lot in the same ownership at the effective date of this Ordinance; provided that the aggregate width of the side yards be not less than twenty-five (25) per cent of the lot width, and the narrower side yard be not less than three (3) feet in width.

1142.10 To grant a temporary Zoning Permit for a period not to exceed nine (9) months for a standing alone to be used as a dwelling unit, provided that the owner is able to demonstrate his intent and formal arrangements to complete construction of the structure by the end of the nine (9) month time period.

1143 RESERVED

1150 SPECIAL EXCEPTION USES

1151 Grant of Power

In addition to and apart from the power to grant or recommend variances pursuant to Section 1140, the Zoning Hearing Board shall also have original jurisdiction and power, after advisory report by the Planning Commission; to grant or deny a permit for a special exception use on a particular site, without a finding of practical difficulties or unnecessary hardship, but subject to the guiding principles, standards, conditions, criteria and safeguards contained in this Section and Section 1060 to the extent applicable and in the manner provided by law. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

1152 Guiding Principles for Standards

1152.01 Such use shall be one which is specifically authorized as a special exception use in the District within which such particular site is located.

1152.02 For every special exception use, the Board shall make a special finding, after a public hearing in the manner provided by law, that such use will not be prejudicial to the character of the neighborhood.

1152.03 For every special exception use, the Board shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within seventy-five (75) feet of the intersection of the street lines at a street intersection.

1152.04 For every special exception use, the Board shall determine that there are fully adequate parking areas and off-street truck loading spaces, in conformity with this Ordinance and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading berths, and interior driveways is convenient and conducive to safe operation.

1152.05 For every special exception use, the Board may require a protective planting strip not less than ten (10) feet nor more than thirty (30) feet in width, situated within any required side or rear yard, designed and laid out with suitable evergreen plant material which will be planted at a minimum height of four (4) feet, and which will attain and shall be maintained at a height of not less than eight (8) feet, so as to provide an effective natural screen between the nonresidential and residential districts or uses. A planting plan specifying type, size, and location of existing and proposed plant material shall be required.

1152.06 For every special exception use where the installation of outdoor flood or spot lighting is intended, the Board shall determine that such lighting will not shine directly upon any abutting property, nor upon the street. No unshielded lights shall be permitted.

1152.07 For every special exception use, the Board shall determine that adequate provisions will be made for collection and disposal of storm water runoff from the site.

1152.08 Certain special exception uses shall be further subject to the applicable conditions and safeguards which are stipulated in Sections 1154 and 1060.

1153 Procedure

1153.01 Application for a permit authorizing a special exception use shall be made directly to the Township Secretary in the form required by the said Board.

1153.02 The Board's decision to grant a permit for a special exception use shall be made only after public and other notification, and hearing pursuant to the requirements of Section 1120. Said permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.

1153.03 No application for a permit shall be granted by the Zoning Hearing Board for any special exception use, until said Zoning Hearing Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township, and where appropriate, with reference to the adequacy of the site area and the arrangements of buildings, driveways, parking areas, off-street truck loading spaces, and other pertinent features of the site plan. The Planning Commission shall have thirty (30) days from the date of its receipt of the application, within which to file its report thereon. In the event that the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to have been approved by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application.

1153.04 A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Section, shall be construed to be a conforming use.

1154 Special Conditions and Safeguards for Certain Uses

In addition to the guiding principles and standards specified in Section 1152 the following additional conditions and safeguards for certain uses shall apply:

1154.01 No authorization for a zoning permit shall be granted by the Board for a BUS PASSENGER STATION in any district where authorized, unless the Board shall first determine that the proposed location will serve the interests of the residents of the Township without any damaging effect upon adjacent properties.

1154.02 No authorization for a zoning permit shall be granted by the Board for a PUBLIC GARAGE, FILLING STATION or CAR WASHING STATION in any District where authorized unless the Board shall first determine that all applicable provisions of Section 1022 will be complied with, that no public or private garage accommodating more than five (5) vehicles and no filling station shall be located or shall have any entrance or exit within two hundred (200) feet of the entrance or exit to a public or parochial school, public library, theater, assembly hall, church, hospital, semi-public institution, public park, playground or fire station; that all public garages, and filling stations, shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines; that gasoline or oil pumps shall not be placed within fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural Residential District boundary line, and unless the Board shall further determine that the proposed location of such facility will serve the interests of the residents of the Township without any damaging effect upon adjacent properties.

1154.03 No authorization for a zoning permit shall be granted by the Board for a MEMBERSHIP CLUB in any District where authorized as a special exception use, unless the Board shall first determine that such membership club will serve a purely social, athletic or community service purpose; that it will be operated on a non-discriminatory membership basis, and not conducted as a business; and that the nature of such membership club will not cause or create a nuisance to adjoining properties or to its general neighborhood.

1154.04 No authorization for a zoning permit shall be granted by the Board for a RESTAURANT, HOTEL, or MOTEL in any district where authorized as a special exception use, unless the Board shall first determine that the proposed location of such a restaurant, hotel or motel will not cause or create a nuisance to adjacent properties or to its general neighborhood.

1154.05 No authorization for a zoning permit shall be granted by the Board for a KENNEL, ANIMAL HOSPITAL, COMMERCIAL STABLE, or RIDING ACADEMY in any District where authorized as a special exception use, unless the Board shall first determine that the proposed

location of such use will not create or cause nuisance, or have a damaging effect upon adjacent properties or to its general neighborhood.

1154.06 RESERVED

1154.07 No authorization for a zoning permit shall be granted by the Board for OUTDOOR STORAGE OF AUTOMOBILES FOR SALE in any district where authorized, unless the Board shall first obtain written assurance that all applicable provisions of Section 1040 (Signs) will be complied with, and no pennants, flags, or banners will be hung or displayed.

1154.08 No authorization for a zoning permit shall be granted by the Board for any INDUSTRY where authorized as a special exception use, unless the Board shall first determine that such use does not cause or create detrimental effects on the environment by reason of the emission of odor, dust, smoke, noise, vibration, or excessive light beyond the limits of its lot.

1154.09 RESERVED

1154.10 No authorization for a zoning permit shall be granted by the Board for the EXTRACTION OF NATURAL RESOURCES AND MINERALS in any District, where authorized, unless the Board shall first determine that the following regulations are and will be complied with:

1154.101 A site plan shall be submitted to the Board by the Applicant indicating existing grades, and proposed grades after completion of the extraction process; no grade shall be greater than 50 per cent at the completion.

1154.102 A site plan shall show method of extraction, list all machinery to be used and location points of ingress and egress for vehicles to and from the site.

1154.103 Where materials are removed from the site it shall be planned in such manner that it will not cause any debris or material to be deposited beyond the site boundaries.

1154.104 A written agreement shall be included with the site plan from the applicant stating that all machinery and devices used for extraction purposes will be removed from the site upon completion of the process.

1154.105 The site and its intended uses shall also make provisions for the following: all road access points to the site shall be controlled by means of a gate with a sign warning of hazardous conditions, if such exist; the activity shall not cause earth movements or erosion to extend beyond the exterior boundary lines of the site;

structures, buildings, equipment, and mining or quarrying operations shall not be located closer than one hundred (100) feet from any zoning district boundary, property line, street, road or highway, except for office or storage buildings which should not be located closer than fifty (50) feet from same pursuant to Section 1018; planting strips or screens shall be provided pursuant to Section 1152.05 and installed and maintained at the expense of the owner; smoke, gases, and other odorous matter, noise, vibration, light, heat, dust, or dirt shall not be emitted in quantities as to be unreasonably offensive beyond the exterior property lines of the site.

1154.106 The site plan and supporting materials shall provide sufficient evidence that, upon depletion of the mineral resources or discontinuance of the use of the site for extraction of mineral resources, said site shall be restored in such a manner that the condition of the site shall not be injurious to the future health and safety of Township residents and that the site could be adequately utilized as a nature area, recreation site, or possibly for other more intensive land uses. Restoration measures to be employed shall include, but not be limited to, proper grading and backfilling; assurance of proper surface and subsurface drainage; provisions for sodding and topsoil; planting of trees, shrubs, and grasses. A written agreement (in a form approved by the Township Solicitor) shall be included with the site plan assuring the Township that the appropriate restoration measures will be taken, and that all buildings, structures, apparatus and appurtenances accessory to the extractive operation shall be removed. A bond or guarantee in an amount necessary to complete restoration measures shall be required.

1160 CONDITIONAL USES BEFORE THE BOARD OF SUPERVISORS

1161 General

Where this Ordinance has provided for conditional uses to be granted or denied by the Board of Supervisors, the procedures outlined in this article shall be adhered to, and the Board of Supervisors shall give consideration to such conditional uses in accordance with the criteria set forth herein. The hearing shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board. However, the appellant or the applicant, as the case may be, in addition to the municipality, 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. In granting a conditional use, the governing body may attach such reason able conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.

1162 Applications

Application for conditional use shall be made to the Board of Supervisors, and shall be accompanied by the material and data as required by this Ordinance, along with such other written and graphic material as may be required by the Board of Supervisors to adequately make the determination set forth herein. All applications, along with the material and data required by this Ordinance, shall be submitted in quadruplicate, and shall be accompanied by such fees as shall be set forth in a resolution of the Board of Supervisors, in an amount sufficient to cover all Township costs to the extent permitted by the Municipalities Planning Code. The Board of Supervisors shall submit the application to the Tulpehocken Township Planning Commission for review. The Planning Commission shall complete its review within thirty (30)-days after receipt thereof.

1163 Public Hearings

Within sixty (60) days after the filing of an application, the Board of Supervisors shall hold a public hearing. Public and written notice shall be given as set forth in Section 1120 of this Ordinance. The hearings shall be conducted per Section 1120 of this Ordinance.

1164 Determination by the Board of Supervisors

1164.01 The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Ordinance or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

1164.02 Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 1164.01, 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 governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

1164.03 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. 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.

1164.04 Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1170 PARTIES APPELLANT BEFORE BOARD

Appeals under Section 1130 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township or any person aggrieved. Requests for a variance under Section 1140 and for a special exception under Section 1150 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1180 TIME LIMITATIONS; PERSONS AGGRIEVED

a. No person shall be allowed to file any proceedings with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such a person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such a 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 or preliminary plan, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

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

1190 STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 1160 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 of official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. The procedures before the Court shall be pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

SECTION 1200

ZONING CHALLENGES; GENERAL PROVISIONS

1210 Any challenges to the validity of this Zoning Ordinance, map or Comprehensive Plan shall be made in accordance with the provisions of Article IX of Act No. 247, of the Pennsylvania General Assembly of 1968, effective January 1, 1969, and amendments and supplements thereto, known as the "Pennsylvania Municipalities Planning Code". All provisions thereof and procedures thereunder are hereby incorporated by reference.

SECTION 1300

ADMINISTRATION AND ENFORCEMENT

1310 INTERPRETATIONS

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction

1311 Minimum Requirements

In applying and interpreting the provisions of this Ordinance the applicant shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. The following specific regulations shall apply:

1311.01 A minimum required lot or yard size for one building or structure shall not be used as any
part of a required lot or yard for a second structure.

1311.02 The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this Ordinance.

1311.03 The parking spaces required for one building or structure or use shall not be included in the computation of required parking spaces for a second building or structure or use.

1312 Relations of Zoning Ordinance to Other Provisions of Law, and to Private Covenants and Agreements

1312.01 Nothing contained in this Ordinance shall be taken to repeal, abrogate, annul or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future. Nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Ordinance imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures, or requires larger lots, yards, courts or other open spaces then imposed or required by such other provisions of law, ordinance, or regulation, or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

1312.02 Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Ordinance, the provisions of such other law or ordinance or regulations shall control.

1312.03 No provisions contained in this Ordinance shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on the Official Township Map.

1320 APPOINTMENT AND POWERS OF ZONING OFFICER

1321 Appointment

The Zoning Officer, who shall not hold any elective or other office in the Township, shall be appointed. The Zoning Officer shall meet the minimum qualifications established by the Township and shall be able to demonstrate a working knowledge of municipal zoning.

1322 Duties

It shall be the duty of the Zoning Officer to administer and enforce the provisions of this Ordinance, in accordance with its literal terms. He shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. Should the Zoning Officer be in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any District Boundary Line on the zoning map, or as to the propriety of issuing a Zoning Permit in a particular case related to the provisions of this Ordinance he shall refer the matter to the Planning Commission for interpretation. The Zoning Officer shall adopt rules of procedure, consistent with this Ordinance for the purpose of assuring efficient and uniform administration of its provisions. With authorization of the Board of Supervisors for the Township, the Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within scope of employment.

1322 Inspection of Premises

The Zoning Officer and his deputies and assistants, after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot or land, whether already erected or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with. If refused entry, the Zoning Officer shall have the authority to seek an administrative warrant.

1323 Appeals

Appeal of the decision of a Zoning Officer may be made to the Zoning Hearing Board in the manner set forth in this Ordinance and the Municipalities Planning Code.

1330 ZONING PERMITS

1331 Permits

No building or accessory building shall be constructed until a permit therefor has been obtained from the Township Zoning Officer. No building shall be moved until a permit has been obtained from the Township Zoning Officer. Any such construction or moving of a building shall be done in accordance with all other applicable Township, county and state ordinances and regulations. No permit shall be issued for any such construction or moving until the applicant has obtained any and all necessary state, county or Township sewage facilities permits, and where required by the Zoning Officer, the applicant shall obtain a letter of adequacy from the Berks County Conservation District for erosion and sedimentation control purposes. No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this ordinance; provided, however, that a permit to construct or move any building or accessory building used for the sole purpose of agriculture or animal husbandry may be issued without the submission of a formal surveyor's or engineer's plan, except as may be otherwise required elsewhere under this Ordinance or as may be required under the Township's Subdivision and Land Development Ordinance. Notwithstanding the foregoing, no permit shall be required to construct or move an accessory building having less than 100 square feet in floor area, or any calf kennel or calf hutch.

1332 Permit Fee

The applicant for a permit for the construction or moving of any building, accessory building, or for the initiation of any use shall pay to the Township Secretary for each and every building or accessory building constructed or moved, a fee in such amount as shall be determined from time to time by resolution of the Supervisors of the Township, which fee shall be paid into the General Fund of the Township. All permits shall expire within six (6) months from the date of issue, unless within that time the construction or moving shall have begun thereunder. If the construction or moving permitted by an issued permit is not completed within two (2) years from the date of issue a new permit shall be required.

1340 ZONING COMPLIANCE CERTIFICATE

1341 Use Change

It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land or part thereof, hereafter erected or altered, enlarged or moved, in whole or in part, after the effective date of this Ordinance, or any building, structure, premises, lot or land, or part thereof of which the use is

changed, until a certificate of compliance has been obtained from the Zoning Officer by the owner.

1342 Ordinance Conformity

No Certificate of Compliance shall be issued for any building, structure, premises, lot or land, unless the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof, and the intended use thereof are in conformity in all respects with the provisions of this Ordinance.

1343 Special Exception; Variance

The Zoning Officer shall obtain a written order from the Zoning Hearing Board before issuing a Certificate of Compliance in a case involving a special exception use pursuant to Section 1150 or a variance from the provisions of this Ordinance pursuant to Section 1140.

1344 Existing Use

Upon written application by the owner or his authorized agent, the Zoning Officer shall issue a Certificate of Compliance for any building or structure, lot or land, existing and in use at the effective date of this Ordinance.

1350 RESERVED

1360 ENFORCEMENT

1361 Persons Against Whom Township May Take Action

The owner, agent or contractor of a building, structure, premises, lot or land where any violation of any provision of this Ordinance has been committed or shall exist, and the lessee or tenant of an entire building, structure, premises, lot or land, where a violation has been committed or shall exist, and the owner, agent, or contractor, lessee or tenant of any part of a building, structure, premises, lot or land in which part of a violation has been committed or shall exist and the agent, architect, building contractor or any other person who commits, takes part or assists in a violation, or who maintains any building, structure, premises, lot or land in which any violation shall exist shall be subject to enforcement actions under Section 1360 Enforcement.

1362 Enforcement Notice.

(a) If it appears to the Township that a violation of this zoning ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

(b) 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, to any other person requested in writing by the owner of record, and to any person against whom the Township intends to take action.

(c) An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Township intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.

(6) 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.

(d) In any appeal of an enforcement notice to the zoning hearing board the Township shall have the responsibility of presenting its evidence first.

(e) Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board
shall be returned to the appealing party by the Township if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

1363 Causes of Action.

(a) Township. In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Supervisors or with the approval of the Township Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(b) Aggrieved Owner or Tenant. Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by an alleged violation of this Ordinance, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, 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 Supervisors of the Township. No such action may be maintained until such notice has been given.

1364 Enforcement Remedies.

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township.

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

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

1370 PUBLIC RECORDS

Duly certified copies of this Ordinance and of the Zoning Map which forms a part thereof, together with copies of all amendments hereto, shall be filed in the Township Secretary's office and in the Zoning Officer's office, and shall be open to public inspection.

1380 PROCEDURE FOR AMENDMENT

1381 Power to Amend

The regulations, restrictions and boundaries set forth in this Ordinance, may from time to time, be amended, supplemented, changed, or repealed through amendment by the Township Supervisors.

1382 Procedure for Amendment

The following requirements shall be observed in making any amendment to this Ordinance:

(a)(1) Before voting on the enactment of an amendment, the Township Supervisors shall hold a public hearing thereon pursuant to public notice under Section 1382 and applicable portions of Section 1120. 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 tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

(2)(i) In addition to the requirement that notice be posted under clause (1), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

(ii) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

(b) In the case of an amendment other than that prepared by the Planning Commission, the Township 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 their recommendations.

(c) If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised to include land previously not affected by it, the Township Supervisors shall hold another public

hearing, pursuant to public notice, before proceeding to vote on the amendment.

(d) At least thirty (30) days prior to the hearing on the ordinance by the Township Supervisors, the Planning Commission shall submit the proposed ordinance to the Berks County Planning Commission for recommendations.

1383 Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment maybe examined in addition to the time and place of hearing.

1384 A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the applicable provisions of the Pennsylvania Municipalities Planning Code as amended and supplemented. If the Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall declare by formal action its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. All procedures with reference to such curative amendment shall thereafter be held in accordance with the provisions of the Pennsylvania Municipalities Planning Code as amended and supplemented.

1390 EXEMPTIONS

This Ordinance 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.

SECTION 1400

MISCELLANEOUS

1410 SEVERABILITY

If any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance or the location of any District boundary shown on the Zoning Map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance or Zoning Map as a whole or any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

1420 REPEALER

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

1430 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption, as required by law.

ENACTED AND ORDAINED into an Ordinance this 8th day of April, A.D. 2013, by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

Gary A. Deck

Richard A. Kramer

Attested by: Kathy Boeth
Secretary

Ordinance No. 10

An Ordinance regulating junk dealers, the establishment and maintenance of junk yards, including, but not limited to, automobile junk or grave yards, the storage and disposal of scrap, refuse, and junked articles, providing for the issuance of licenses for junk dealers and for the maintenance and operation of junk yards under prescribed conditions, prescribing remedies for the abatement of nuisances and unlicensed junk yards and scrap yards, prescribing penalties for violators, and providing for the revocation of licenses in the event of non-compliance.

Be it ordained and enacted by the Board of Supervisors, of the Township of Tulpehocken, County of Berks, and Commonwealth of Pennsylvania; and it is hereby ordained and enacted by authority of the same and pursuant to the authority of the same and pursuant to the authority granted by the Act of the Legislature approved May 1, 1933, P.L. 103, as amended July 10, 1947, P.L. 1481 and May 20, 1959, P.L. 174.

Section 1 **Short Title**

This ordinance shall be known and may be cited as "Tulpehocken Township Junkyard and Refuse Ordinance."

Section 2 **Definitions**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated:

A. Person – Shall include any partnership, association, firm and corporation.

B. Township – Shall mean Tulpehocken Township, Berks County, Pennsylvania.

C. Board – Shall mean Zoning Hearing Board.

D. Junkyard - Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

E. Junk - Shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, agricultural equipment reserved for non-commercial parts salvage or refuse or garbage kept in a proper container for the purpose of prompt disposal.

F. Junk Dealer - Shall mean any person, as hereinafter defined who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junk yard within the Township of Tulpehocken.

G. License - Shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

Section 3 **License**

No person shall engage in business as a junk dealer, or maintain a junk yard, without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve month period beginning January 1, and ending December 31, and each license must be renewed annually on or before the first day of each year.

Section 4 **Application for License**

The license provided for in this Ordinance shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junk yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

Section 5 **Issuance of License**

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Ordinance as may be deemed necessary to carry out the spirit and intent of this Ordinance.

Section 6 **License Fee**

The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be determined from time to time by resolution of the Supervisors of the Township. No license shall be issued for the use of a tract of land in excess of twenty (20) acres, excluding setback areas.

Section 7 **License Limitation**

No person licensed under this Ordinance shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junk yard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license.

Section 8 **Transfer of License**

No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 4 of this Ordinance, by the transferee.

Section 9 **Transfer Fee**

In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee of Ten Dollars ($10.00).

Section 10 **Records**

Every person, licensed under this Ordinance, shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date of such purchase, or receipt, and the person from whom such article or material was purchased, received or handled by such person, which book shall at all times be subject to the inspection of any official of the Township.

Section 11 **Regulations**

Every person, licensed under this Ordinance, shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board:

(a) Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

(b) No garbage or other organic waste shall be stored in such premises.

(c) The manner of storage and arrangement of junk, and the drainage facilities of the premises, shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.

(d) All junk kept, stored, or arranged on the licensed premises shall at all times be kept stored and arranged within the junk yard as described in the application for license hereunder, and as limited under paragraph (c) above.

(e) A person licensed under this Ordinance shall not burn more than one motor vehicle or its equivalent at any one time. Burning of vehicles must be attended and controlled at all times.

(f) The premises to be licensed shall be set back a minimum distance of one hundred (100) feet from the right-of-way lines on all streets or roads and a minimum distance of one hundred (100) feet from all other property lines. The area between the set-

back line and the right-of-way line and all streets and roads and all other property lines shall be at all times, kept clear and vacant.

(g) When the Board shall deem it necessary and desirable, the premises to be licensed shall at the set-back lines be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of a license.

Section 12 **Violations**

Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof, by a summary proceeding, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and the costs of prosecution, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 13 **Abatement of Nuisances**

In addition to the remedies provided in Section 12, above, any continued violations of this ordinance which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator(s) in a court of equity for relief.

Section 14 **Severability**

If any section of this Ordinance shall be found to be invalid the other sections of this Ordinance shall not be affected thereby.

Section 15 **Repeal**

All Ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 16 **Effective Date**

This Ordinance shall be effective on October 6, 1969. All Junkyards in existence upon the effective date of this Ordinance shall within three (3) months thereafter obtain a license as required by Section 4 of this Ordinance and shall in all other respects comply fully with the requirements of this Ordinance within one (1) year thereafter.

Mobile Home Ordinance
1974-3
(as amended by Ord. 09-1)

[EDITOR'S NOTE: As of the time of the re-printing of this ordinance in 2000, the Department of Environmental Resources referred to therein is now known as the Department of Environmental Protection.]

An Ordinance of the Township of Tulpehocken, Berks County, Pennsylvania, enforcing uniform standards governing mobile homes and mobile home parks, establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and additions; licensing of those who operate mobile home parks, authorizing the inspection of mobile home parks, establishing standards for erection of single mobile home installations; and fixing penalties for violations.

Be it enacted and ordained by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, as follows:

Section 1 **Definitions**

Health Authority – The legally designated health authority of the Pennsylvania Department of Environmental Resources.

License - Written approval, in whatever form, as issued by the Pennsylvania Department of Environmental Resources, authorizing a person to operate and maintain a mobile home park.

Mobile Home - A transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of more than two mobile home lots.

Person - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

Recreational Vehicle- A vehicle with or without motive power which may be driven or towed on the public highways without a special hauling permit, and which is designed for human occupancy under transient circumstances, such as camping, travel,

or other recreation, sometimes variously known as a "travel-trailer", a "camping trailer", or a "motor home".

Service or Recreational Building - A structure housing operational, office, recreational, park maintenance and other facilities built to conform to required local standards.

Sewer Connection- The sewer connection consists of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

Sewer Riser Pipe - The sewer riser pipe is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

Water Connection - The water connection consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Water Riser Pipe - The water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

Water Service Pipe - The water service pipe consists of all pipes, fittings, valves and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within the mobile home.

Township Secretary - The duly elected or appointed Secretary of the Township.

Township - The Township of Tulpehocken, Berks County, Pennsylvania.

Section 2 **Permits**

2.1 Permits Required

It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Township unless he holds a valid permit issued by the Pennsylvania Department of Environmental Resources in the name of such person for the specific construction, alteration or extension proposed, and also a permit issued by Township.

2.2 Application to Pennsylvania Department of Environmental Resources

All applications for permits shall be made by the owner of the mobile home park or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Resources, Chapter 4, Article 415, Regulations for Mobile Home Parks, Adopted October 30, 1959, as amended.

2.3 Application to Township

A copy of the said Department of Environmental Resources application shall be concurrently filed with the Township Zoning Officer and the applicant shall also submit an application to the Township Zoning Officer , for a permit to operate a mobile home park in the Township. (Ord. 09-1)

2.4 Inspection and Issuance of Permit

Upon receipt of such application, the Township Zoning Officer shall together with the Township Supervisors, forthwith inspect the applicant's plans and proposed park to determine compliance with the provisions of this Ordinance. After favorable determination of the same, and upon being furnished a copy of the permit issued by the Pennsylvania Department of Environmental Resources to the applicant, said officer shall issue a mobile park permit to applicant which shall be valid for a period of one (1) year thereafter. (Ord. 09-1)

2.5 Renewal Permits

Renewal Permits for a like period shall be issued by said officer upon furnishing proof by applicant that his park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Resources and this Ordinance and upon submission to and favorable determination after an inspection pursuant to paragraph 2.4 of this Ordinance. (Ord. 09-1)

2.6 Fees

The application fee for the Mobile Home Park Permit shall be a fee in such amount as shall be determined from time to time by resolution of the Supervisors of the Township. In addition, each application for a new or renewal permit hereunder shall be accompanied by payment of an inspection fee in the amount of $25.00. In the event that the Township Zoning Officer is required to perform additional or unusual service in determining said application, the cost of such additional service shall be borne by the applicant. Such charges shall be levied whether or not the application is approved. (Ord. 09-1)

(Ord. 09-1, 5/11/2009, §2)

Section 3 **<u>Registration</u>**

3.1 Department of Environmental Resources Permit

It shall be unlawful for any person to operate any mobile home park within the limits of the Township unless he holds a Certificate of Registration issued annually by the Pennsylvania Department of Environmental Resources in the name of such person for the specific mobile home park. Proof of such registration shall be furnished to the Township Zoning Officer by no later than February 1 each year. (Ord. 09-1)

3.2 Transfer of Ownership

Every person holding a Certificate shall file notice in writing to the Pennsylvania Department of Environmental Resources and the Township Zoning Officer within ten (10) days after having sold, transferred, given away, or otherwise disposed of, an interest in or control of any Mobile Home Park. If the Certificate of Registration is transferred by the Pennsylvania Department of Environmental Resources, proof of such transfer shall be furnished the Township Zoning Officer forthwith. (Ord. 09-1)

3.3 Suspension

Whenever, upon inspection by the Township Supervisors, or their designated representative, of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, the Township Zoning Officer shall give notice in writing in accordance with Section 16.1 to the person to whom the Certificate was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Township shall be suspended. At the end of such period, such Mobile Home Park shall be inspected and, if such conditions or practices have not been corrected, and the licensee has not requested a hearing as provided in Section 16.2, the Township Zoning Officer shall suspend the license and give notice in writing of such suspension to the person to whom the Certificate was issued. (Ord. 09-1)

(Ord. 09-1, 5/11/2009, §3)

Section 4 **<u>Inspection of Mobile Home Parks</u>**

4.1 Inspections

The Township Zoning Officer or his designated representative may inspect mobile home parks at reasonable intervals and at reasonable times, to determine compliance with this Ordinance. The Township Zoning Officer , at his discretion, may give notice for Violations of this Ordinance and issue notice thereof, without express authority from the Township Supervisors in each instance. (Ord. 09-1)

(Ord. 09-1, 5/11/2009, §4)

Section 5 **<u>Park Construction Requirements</u>**

5.1 Minimum Park Area

A mobile home park shall have a gross area of at least ten (10) contiguous acres of land.

5.2 Site Location

The location of all mobile home parks shall comply with the following minimum requirements:

(a) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

(b) Not subject to flooding.

(c) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

5.3 Site Drainage Requirements

(a) The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(b) Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Resources.

(c) Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

5.4 Soil and Ground Cover Requirements

(a) Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

(b) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, inspects, or other pests harmful to man.

5.5 Park Areas for Non-Residential Uses

(a) No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(b) Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

5.6 Required Setbacks, Buffer Strips and Screening

(a) All mobile homes shall be located at least 100 feet from any park property boundary line abutting upon a public street or highway and at least 100 feet from other park property boundary lines.

(b) There shall be a minimum distance of 50 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.

(c) All mobile home parks located adjacent to industrial, commercial or standard residential land uses shall provide landscape screening consisting of plants, shrubs or other natural growth along the boundary line separating such parks and adjacent uses. Screening shall be continuous around the mobile home boundaries and shall not be less than 7½ feet deep and attain a height of not less than 10 feet at maturity.

5.7 Park Street System

(a) General Requirements: A safe and convenient vehicular access shall be provided from abutting public streets or roads.

(b) Access: The entrance road, or area, connecting the park with a public street or road shall have a minimum right-of-way width of 50 feet and a minimum pavement width of 34 feet.

(c) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

(1) Where parking is permitted on both sides, a minimum right-of-way width of 50 feet and a minimum pavement width of 34 feet will be required.

(2) A minimum road pavement width of 28 feet will be required where parking is limited to one side.

(3) Dead end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet.

(d) Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide average levels of illumination for the safe movement of pedestrians and vehicles at night.

(e) Street Construction and Design Standards:

(1) Streets: All streets shall be surfaced in accordance with Township specifications applicable to streets in conventional residential developments.

(2) Grades: grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than 8%. Short runs with a

maximum grade of 12% may be permitted, provided traffic safety is assured by appropriate surfacing and adequate leveling areas.

(3) There shall be no intersections of more than 2 streets at any one point.

(4) A plan of the streets shall be provided with the application for the park permit.

5.8 Off-Street Parking Area

Off-street parking for at least 2 motor vehicles shall be provided at each mobile home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes.

5.9 Walks

(a) General Requirements: All parks shall provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(b) Common Walk System: Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of 3½ feet.

(c) Individual Walks: All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 3 feet.

5.10 Construction of Mobile Home Lots and Recreation Areas

(a) Mobile home lots within the park shall have a minimum gross area of 14,000 square feet; if a portion of the park is designed for the transient accommodation of recreational vehicles, lots constructed for this purpose shall have a minimum gross area of not less than 1,000 square feet.

(b) The total number of lots in a park shall not exceed an average density of 3 per acre.

(c) Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home, and in such position as to allow a minimum of 50 feet between the mobile home and the right-of-way of the park street which serves the lot.

(d) An enclosure of compatible design and material shall be erected around the entire base of each mobile home the design of which shall inhibit decay and deterioration of the structure.

(e) A recreational area, or areas, with suitable facilities containing not less than 1 acre in size for each 5 acres of park development shall be maintained within the park for the use of all park residents.

Section 6 Water Supply

6.1 General Requirements

An adequate supply of water shall be provided for mobile homes, service buildings, and other accessory facilities as required by this Ordinance. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the development of a private water supply system shall meet the requirements of and be approved by the Pennsylvania Department of Environmental Resources or other authorities having jurisdiction. All water supplies shall be provided by the developers or owners of the mobile home park without any expense whatsoever to Township.

6.2 Source of Supply

(a) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

(b) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

(c) No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.

(d) Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

6.3 Water Storage Facilities

All water storage reservoirs shall be covered, watertight and constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

6.4 Water Distribution System

(a) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.

(b) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.

(c) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

6.5 Individual Water-Riser Pipes and Connections

(a) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

(b) The water-riser pipe shall have a minimum inside diameter of ½ inch and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

(c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(d) A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home lot. Underground stop-and-waste-valves are prohibited unless their type of manufacture and their method of installation are approved.

Section 7 **<u>Sewage Disposal</u>**

7.1 General Requirements

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Environmental Resources or local health regulations. The entire sewerage system shall be provided by the developer or owner of the mobile home park without any expense whatsoever to Township.

7.2 Individual Sewer Connections

(a) Each mobile home lot shall be provided with at least a 3 inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the

sewer connection to the mobile home drain outlet will approximate a vertical position.

(b) The sewer connection (see definition) shall have a nominal inside diameter of not less than 3 inches and the slope of any portion thereof shall be at least ¼ inch per foot. All joints shall be watertight.

(c) All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.

(d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least ½ inch above ground elevation.

7.3 Sewer Lines

All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Resources, and shall have watertight joints.

7.4 Sewage Treatment and/or Discharge

Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Resources prior to construction.

Section 8 Electrical Distribution System

8.1 General Requirements

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems, and in accordance with the regulations of the middle department of fire underwriters of the State of Pennsylvania. The electrical systems shall be provided by the developer or owner of the mobile home park without any expense whatsoever to the Township.

8.2 Power Distribution Lines

(a) Main power lines must be located underground.

(b) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communications lines.

8.3 Individual Electrical Connections

(a) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

8.4 Required Grounding

All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

Section 9 Service Buildings and Other Community Service Facilities

9.1 Applicability

The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities, when constructed, such as:

(a) Management offices, repair shop and storage areas;

(b) Laundry and lavatory facilities;

(c) Indoor recreation areas;

(d) Commercial uses supplying essential goods or service for the exclusive use of park occupants.

9.2 Structural Requirements for Buildings

(a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termite and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b) All rooms containing laundry and lavatory facilities shall:

(1) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture-resistant material.

(2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.

(3) Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

(c) Toilets shall be located in separate compartments equipped with self-closing doors.

Section 10 **Refuse Handling**

10.1 The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Resources regulations governing mobile home parks. All such storage, collection and disposal facilities and services shall be provided by the developer or owner of the mobile home park without any expense whatsoever to Township.

Section 11 **Insect and Rodent Control**

11.1 Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Resources regulations governing mobile home parks.

Section 12 **Fuel Supply and Storage**

12.1 Natural Gas and Liquefied Petroleum Gas Systems

All natural gas piping systems and liquefied petroleum gas systems when installed in or provided for mobile home parks or mobile homes, service buildings, or other structures shall be constructed and maintained in conformity with accepted engineering practices and with the rules and regulations of all authorities having jurisdiction. Each mobile home shall have at least one accessible means for shutting off the source of supply located outside the mobile home which shall be at all times maintained in effective operating condition.

12.2 Fuel Oil Supply System

(a) All fuel oil systems provided for mobile homes, service buildings and other structures shall be installed underground.

(b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be placed underground.

(c) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within 5 inches of storage tanks.

(d) All underground fuel storage tanks or cylinders shall not be less than 5 feet from any mobile home exit.

(e) Storage tanks located in areas subject to traffic shall be protected against physical damage.

Section 13 Fire Protection

13.1 Local Regulations

The mobile home park area shall be subject to the rules and regulations of the Township Fire Prevention authority where provided.

13.2 Litter Control

Mobile home park area shall be kept free of litter, rubbish and other flammable materials.

13.3 Fire Extinguishers

Portable fire extinguishers of a type approved by the Fire Prevention Authority shall be kept in each public service building under park control and a sufficient number shall be maintained throughout the park in readily accessible and well-marked positions.

Section 14 Erection of Single Mobile Homes

14.1 Installation Requirements

If a mobile home is erected and maintained as a single family dwelling house outside a mobile home park, the following requirements shall be met:

(a) The tract upon which the mobile home is installed shall conform with the single family detached dwelling minimum lot size requirement of the district or zone where located. The foregoing area shall be required, in addition to the same amount of area for a dwelling already located on a lot.

(b) The mobile home shall be installed so as to conform with all front yard, side yard and rear yard setback lines applicable to immobile housing in that district or zone.

(c) The mobile home shall be installed upon, and securely fastened to, a front-free foundation or footer, and in no event shall it be erected on jacks, loose blocks, or other temporary materials.

(d) An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(e) The mobile home shall be connected to public water and sewer systems, if available. If not, the owner shall provide a potable water supply from his own or an adjacent well, and shall provide a septic system that shall meet the

standards of the local health department, and/or the Pennsylvania Department of Environmental Resources.

(f) Any garage, utility shed, or other outbuilding constructed on the tract shall conform with the standards applicable to such structures as contained in the Township Building Ordinance, and/or Zoning Ordinance, if any. In the absence of such ordinance, any garage or utility shed, or other outbuilding, shall be of design and appearance compatible with the mobile home.

(g) Any single on-lot mobile home shall meet the specifications for manufacture of mobile homes as set forth in United States Standards Institute Standards for Mobile Homes, USA Standards A119.1-1969, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards.

14.2 Building Permit

No mobile home shall be erected on a single lot unless a building permit is first obtained in accordance with the Township Zoning Ordinance.

14.3 Recreational Vehicles

No recreational vehicle shall be erected and maintained for living purposes in this Township except in a duly licensed mobile home park. Unoccupied recreational vehicles may be parked or stored in a private garage, carport, or rear or side yard, but same shall not be stored or parked on a public street, or in the front yard of a residential dwelling.

Section 15 Miscellaneous Requirements

15.1 Responsibilities of the Park Management

(a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clear and sanitary condition.

(b) The park management shall supervise the placement of each mobile home on its mobile home lot which includes securing its stability and installing all utility connections.

(c) The park management shall give the health officer free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.

(d) The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The management shall notify the appropriate officer, in accordance with state and local taxation laws, of the arrival and departure of each mobile home.

15.2 Installation or Removal of Mobile Homes

(a) No mobile home shall be erected on or removed from a mobile home park without first obtaining a mobile home permit. The fee is $10.00.

(b) No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Township without first obtaining a permit from the Township Tax Collector, as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of $2.00 and payment of all real estate taxes assessed against the home and unpaid at the time the permit is requested.

Section 16 Notices, Hearings, and Orders

16.1 Notice of Violation

Whenever the Township Zoning Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or if any regulation adopted pursuant thereto, the Township Zoning Officer shall give notice of such alleged violation to the person to whom the permit or certificate was issued, as hereinafter provided.
Such notice shall:

(a) be in writing;

(b) include a statement of the reason for its issuance;

(c) allow a reasonable time for the performance of any act it requires;

(d) be served upon the owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served by any other method authorized or required by the laws of this state:

(e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

(Ord. 09-1)

16.2 Hearing

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Supervisors, provided that such person shall file in the office of the Township Zoning Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and suspension of enforcement proceedings. Upon receipt of such petition,

the Township Supervisors shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided, that upon application of the petitioner, the Township Zoning Officer may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement. (Ord. 09-1)

16.3 Findings and Order

After such hearing, the Township Supervisors shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in Section 16.1 (d). Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park affected by the order shall be revoked.

16.4 Record; Appeal

The proceedings at such hearing, including the findings and decision of the Township Supervisors, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Township Supervisors, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Township Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

(Ord. 09-1, 5/11/2009, §5)

Section 17 <u>Penalties</u>

17.1 Summary Offense

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof be sentenced to pay a fine of not less than $25.00 nor more than $200.00, together with costs of prosecution, and in default of payment thereof shall be committed to the Berks County Prison for a period of not more than thirty (30) days. Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

17.2 Revocation or Suspension of Permit

Upon repeated violations by the same permittee, his right to the issuance of a permit, or to continue operation under a permit, may be suspended for a fixed term, or permanently revoked, after notice and hearing by the Township Supervisors, subject to the right of appeal to the Berks County Court of Common Pleas.

Section 18 **Partial Invalidity and Severability**

18.1 If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 19 **Repealer**

19.1 All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed only insofar as they are inconsistent herewith.

Section 20 **Effective Date**

20.1 This Ordinance shall be effective on July 13, 1974. All Mobile Home Parks in existence upon the effective date of this Ordinance shall within three (3) months thereafter obtain a permit as required by Section 2 of this Ordinance and shall in all other respects comply fully with the requirements of this Ordinance within one (1) year thereafter except that mobile home parks existing on the effective date of this Ordinance may retain the spaces and roadways which were in existence and in actual use on the effective date of this Ordinance without changing the size or location of the same.

Zoning Permit Checklist for Applicant

I. The following must be completed and/or attached for review of permit application.

_____ Applicant's Name (on application form)

_____ Applicant's Mailing Address (on application form)

_____ Applicant's Phone Number (on application form)

_____ Property Address (if different than mailing address) (on application form)

_____ Tax Parcel # (on application form)

_____ Description of proposed project/Proposed Use (on application form)

_____ Dimensions of proposed structure (if applicable) (on application form)

_____ Zoning District (on application form) (ok if left blank)

_____ Easements (on application form)

_____ Restrictions (on application form)

_____ Variances (on application form)

_____ Environmental Features (on application form)

_____ Sketch depicting setbacks from all property lines (in feet) (part of application)

_____ Sewer Permit # or willingness to serve from another municipality or authority (for additions and new construction only with on-lot sewer)

_____ Copy of Sewer Design and/or Sewer Permit (for additions and new construction who have on-lot sewer) (attach)

_____ Copy of deed (attach)

_____ Plot plan of a recorded modern subdivision plan (1980-present) (attach)

_____ Pictures of proposed location of structure (attach) (OPTIONAL)

_____ Any additional information which may help the review process (OPTIONAL)

_____ Contractors agreement (required if applicant is not record owner)

TULPEHOCKEN TOWNSHIP ZONING OFFICER:
Berks County, Pennsylvania
22 Rehrersburg Rd, PO Box 272
Rehrersburg, PA 1955
Ph: (717) 933-5747 – Fax: (717)933-4593

Ludgate Engineering Corporation
10 Vanguard Drive, Suite 90
Reading PA 19606
Ph: (610) 404-7330 - Fax: (610) 404-7371

APPLICATION FOR ZONING PERMIT

PERMIT NUMBER _____

FEE	DATE PD.	CHK. NO.	
_____	_____	_____	ZONING PERMIT FEE
_____	_____	_____	CERTIFICATE OF USE AND OCCUPANCY FEE

NAME OF APPLICANT (must be record owner and/or equitable owner of property)⇓
TELEPHONE NO. ⇓

_____

MAILING ADDRESS OF APPLICANT ⇓
ZIP CODE ⇓

_____

PHYSICAL LOCATION OF PROPERTY (i.e.; E. side SR 501, 1 mi. S. of Deck Rd.) ⇓

Deed Book Volume _____ Page _____ Tax Parcel Identification No.

_____

Subdivision/Lot Number, if app. ⇓ Sewage Permit No. ⇓ Lot Size ⇓ Width ⇓
Length ⇓

_____

Description of proposed construction/land use. Type (i.e. new residential dwelling; in-ground pool; one room addition; flea market; etc.) &
Materials. (i.e. block foundation, wood frame, vinyl siding, pole building, etc.)

_____

Dimensions ⇓ Area ⇓ No. Stories/Height ⇓ Value of Construction ⇓

_____

Zoning District ⇓ Building Setback ⇓ Side Yard, ea. ⇓
Rear Yard ⇓
Required >> _____ _____
_____
_____ Provided >> _____ _____
_____

_____

Distance between your proposed structure and your septic system? _____

Easements

Does your property contain easements of any kind? _____ Yes _____ No _____ Don't Know

Do you have a utility pole on your property? _____ Yes _____ No _____ Don't Know

Do you have a swale, ditch, stream, etc. on your property? _____ Yes _____ No _____ Don't Know

Do you have underground utilities through your property? _____ Yes _____ No _____ Don't Know

Do you have shrubs, plants along the rear of your property? _____ Yes _____ No _____ Don't Know

Restrictions

Does your property contain any deed restrictions? _____ Yes _____ No _____ Don't Know

If yes, please list what restrictions: _____

Variances

Has your property received any zoning variances or relief from the Zoning Ordinance?

_____ Yes _____ No _____ Don't Know If yes, please explain what relief _____
_____

Has your property been rezoned (zoning district change?) _____Yes _____ No _____Don't Know

If yes, please explain what district you changed to: _____

Environmental Features

Does your property contain steep slopes or contours? _____ Yes _____ No _____ Don't Know

Does your property flood or are you located within a flood zone? _____ Yes _____ No _____ Don't Know

Does your property contain any wetlands? _____ Yes _____ No _____ Don't Know

_____
_____

Pursuant to PA Act 38 (amending Act 287 and 172) notification to the "One Call System" is required at least three working days prior to disturbing earth with any type of powered equipment. Call Toll Free 1-800-242-1776. Please note that it is the responsibility of the applicant to make this notification.

***** Please Note: A review cannot begin until a completed application is submitted. If all vital data is not obtained prior to the end of the review period, a permit may be deemed incomplete and denied.**

_____

VERIFICATION STATEMENT

I, _____, hereby verify that the information contained in this application, including all statements, representations, and other entries, is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 PA. C. S. §4904, relating to unsworn falsification to authorities, and §4911, relating to tampering with official records.

_____ / _____

Applicant's Signature Date

DO NOT WRITE BELOW – **SHADED AREA FOR TOWNSHIP USE ONLY**

_____ Permit Issued

_____Permit Denied

Reason for Denial_____

_____Zoning Officer Signature

Property Drawing

Please provide a sketch in the box below depicting the following information. All information must be displayed or the Zoning Permit Applicant may be deemed incomplete and may be denied.

1. Rough sketch of your property boundary lines
2. Depict all existing and proposed buildings
3. Distance in Feet from your proposed structure to all property lines (front, rear, and both sides)
4. Distance in Feet from your proposed structure to the primary residence
5. Distance in Feet from your proposed structure to any other accessory structures

If the subject property was ever granted any type of variance, special exception, and/or other form of relief from the regulations contained in the Zoning Ordinance, by the Zoning Hearing Board AND/OR if the subject property was ever subject to any restrictions by deed, recorded plan, action of the Zoning Hearing Board and/or other means, the applicant must divulge said information in the space provided below. Please be specific as to the date of any Zoning Hearings, etc. The applicant must also attach a photocopy of any deed, recorded plan, agreement, will, covenant, and/or Zoning Hearing Board decision which contains said restrictions, variances, and/or special exceptions which affect the subject property.

If, to the best of the applicant's knowledge and belief there are no such variances, special exceptions, and/or other restrictions which would affect the use of the subject property for the activity for which a zoning permit is being applied for, please indicate your opinion by signing below.

VERIFICATION STATEMENT

I, _____, hereby verify that the information contained in this application, including all statements, representations, and other entries, is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 PA. C. S. §4904, relating to unsworn falsification to authorities, and §4911, relating to tampering with official records.

_____ / _____

Applicant's Signature Date

APPLICATION TO THE ZONING HEARING BOARD
OF TULPEHOCKEN TOWNSHIP, BERKS CO., PA.
FOR SPECIAL EXCEPTION OR VARIANCE

Application is made this day of , ____, by the undersigned for a special exception or variance from the terms of the Tulpehocken Township Zoning Ordinance.

1. The name of the applicant is _____
whose address is _____.

2. The owner of the real estate affected by the proposed exception or variance is _____
whose address is _____.

3. A brief description and location of the real estate to be affected by such proposed change is as follows:

4. The real estate in question is classified at present as _____.
At present it is used for the purpose of _____
and the present improvements consist of _____
_____.

5. Applicant claims that the variance or exception herein requested may be allowed under Section _____ of the Tulpehocken Township Zoning Ordinance.

6. The variance or exception requested and the new improvements or additions to old improvements desired to be made are as follows:

7. Applicant believes the variance or exception should be granted for the following reasons:

Attached hereto is a plot plan of the real estate affected, indicating the location and size of improvements now erected and proposed to be erected thereon. Also enclosed herein is the filing fee of $_____ and a deposit of $_____ to be applied against the costs of advertising, etc.

STATE OF PENNSYLVANIA :
: ss.
COUNTY OF BERKS :

_____, being duly sworn according to law, deposes and says that the facts set forth above are true and correct.

_____

Sworn to and subscribed
before me this day
of , .

_____