

DISTRICT TOWNSHIP
Berks County, Pennsylvania

ZONING ORDINANCE

2008

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DISTRICT TOWNSHIP, BERKS COUNTY

ZONING ORDINANCE

ARTICLE I

TITLE AND PURPOSE

Section 100. TITLE

AN ORDINANCE OF DISTRICT TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, PERMITTING, REGULATING, RESTRICTING, PROHIBITING, AND DETERMINING THE USES OF LAND, BODIES OF WATER, AND WATERCOURSES; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL, USE AND DENSITY OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS, AND OF THE OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; AND THE PROTECTION AND PRESERVATION OF HILLSIDES, WOODLANDS, AREAS SUBJECT TO ENVIRONMENTALLY SENSITIVE CONDITIONS, NATURAL RESOURCES AND AGRICULTURAL LAND; DIVIDING THE TOWNSHIP INTO DISTRICTS, ESTABLISHING BOUNDARIES AND PRESCRIBING UNIFORM REGULATIONS FOR EACH SUCH DISTRICT; PROVIDING FOR THE ADMINISTRATIVE ENFORCEMENT AND AMENDMENT OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATIONS.

SHORT TITLE

THIS ORDINANCE SHALL BE KNOWN AS AND MAY BE CITED AS “THE DISTRICT TOWNSHIP ZONING ORDINANCE OF 2008.”

Section 101. PURPOSE

This Ordinance is enacted to promote the public health, safety, and general welfare of the residents of District Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population; providing and allowing for adequate light and air; conserving the land resources of the Township and the values thereof; insuring as far as reasonably possible safety from fire, panic, flood and other dangers; and providing adequate transportation, water, sewerage, school and other public facilities for the residents of the Township.

This Ordinance is enacted in accordance with the Community Vision and Community Planning Goals established in the Eastern Berks County Region Comprehensive Plan.

ARTICLE II

INTERPRETATION AND APPLICATION

Section 200. INTERPRETATION

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

Section 201. APPLICATION

The provisions, regulations, limitations and restrictions of this Zoning Ordinance shall apply to all structures, buildings, land uses, and signs in District Township. Nothing in this Ordinance shall require any change in plans or construction of the lawful use for which a permit was issued prior to the effective date of this Ordinance, provided that the construction shall have been diligently carried on in the opinion of the Zoning Officer. If construction has not been diligently carried on in the opinion of the Zoning Officer, a new permit in compliance with the various appropriate sections of this Ordinance shall be secured from the Township Zoning Officer.

ARTICLE III

DEFINITIONS

Section 300. GENERAL

For the purposes of this Ordinance certain terms and words are defined as follows. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural and words in the plural shall include the singular. The words shall and must are mandatory. The word may is permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, maintained for, occupied for, or designed to be used or occupied”. Words in the masculine gender include the feminine and the neuter. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

Section 301. DEFINITIONS

Access Drive – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

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

Advertising Signs: See Sign

Agriculture – The raising and keeping of field, truck, or tree crops, and/or the raising of farm animals and livestock.

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 less than 5 contiguous acres, the number of animal units is a maximum of 1.5 units per acre on parcels between 5 and 25 contiguous acres, and the number of animal units is a maximum of 2.0 units per acre on parcels equal to or greater than 25 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 are exceeded. Mushroom production shall be considered intensive agriculture.

Airport – Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon.

Alteration - Any enlargement, relocation or movement of any structure or supporting member thereof, including alteration of a building, but not including any modification made wholly within a building, etc.

Animal Unit – One animal unit is equal to a total of 1,000 pounds of animal(s).

Applicant – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Application for Development – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Approved Private Street - A legally established right-of-way which provides the primary vehicular access to two (2) or more lots, which has not been dedicated or deeded to District Township, but has been approved by the Board of Supervisors.

Area - The quantity of land projected on a horizontal plane enclosed by the boundaries or extremities of a lot, parcel, tract, etc.

Attic - That part of a building which is immediately below and wholly or partly within the roof framing.

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

Block – An area bounded by streets and alleys.

Board of Supervisors – The Board of Supervisors of District Township, Berks County, Pennsylvania.

Boarder, Roomer, or Lodger - A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than

a week at a time shall be classified for purposes of this ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

Buffer Strip – A continuous strip of landscaped ground or land which is clear of all buildings and parking areas.

Building – Any combination of materials forming any structure which is erected, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

- (a) Detached – A building which has no parts or walls in common with an adjacent building.
- (b) Single-Family – A building arranged, designed or intended for and occupied exclusively by one family.

Building Accessory – A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building. No accessory building may be placed on a lot which does not contain a principal building.

Building Area – The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, exclusive of uncovered porches, terraces and steps.

Building Coverage – The percentage as established in this Ordinance which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings located on the lot.

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

Building Length – The longest horizontal distance of any building measured from exterior face to exterior face of walls.

Building Setback Line or Front Yard Setback Line – A line defining the minimum required distance between any building or structure or portion thereof to be erected, or altered, and an adjacent street right-of-way line. Such line shall be parallel to said street right-of-way line.

Buildings, Farm – Buildings for agricultural uses, including but not limited to barns, poultry houses, corn cribs, silos, implement sheds and other similar farm structures but not including dwellings.

Bulk – A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines or to other buildings or structures.

Carport – A roofed-over structure open on at least two sides, used in conjunction with the dwelling for storage of private motor vehicles.

Cartway (Roadway) – The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

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

Centralized (or Community) Sewage Disposal – See Sanitary Sewage Disposal, Community.

Certificate of Use and Occupancy – A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Township Zoning Ordinance, and/or that said item may be lawfully employed for a specific use, or both, as set forth therein.

Club or Lodge - A private organization which makes use of land and/or buildings, for social, philanthropic, recreational or conservation purposes.

Common Open Space - A parcel of land or water or combination of both located within a development site and designed and intended for use or enjoyment of residents of a planned development, meeting the following standards:

- a. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- b. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- c. will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation, and
- d. does not use any of the following areas to meet minimum open space requirements:
 - (1) existing street rights-of-way,
 - (2) vehicle streets or driveways providing access to other lots,

- (3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation,
- (4) off-street parking (other than that clearly intended for noncommercial recreation),
- (5) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Township Commissioners would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
- (6) portions of land that have a width of less than 20 feet.

Comprehensive Plan – The Eastern Berks County Region Comprehensive Plan.

Conditional Use - A use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

Condominium - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Construction Site - That land area involving and reasonably necessary to perform work, store equipment, etc. necessary for the creation or erection of a structure.

County - The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission – The Berks County Planning Commission.

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

Department of Environmental Protection - Commonwealth of Pennsylvania, Department of Environmental Protection, or such other agency as may replace the Department of Environmental Protection at some future time.

Distance Between Buildings - This measurement shall be made at the closest point.

District - Those portions of the Township included in the same zoning classification and as such zones are described and located by the official Township Zoning map.

Dwelling - A building arranged, intended, designed, or used as the living quarters for one or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include hotel, motel, nursing home, institutional residences, rooming house or tourist home.

Dwelling, Single Family Detached - A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot.

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

Electric Transmission and Distribution Facilities - Electric public utility transmission distribution facilities including substations.

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein.

Family – (a) One or more persons, related by blood, marriage, adoption, or guardianship with not more than two (2) roomers, boarders, lodgers living together as a single housekeeping unit and using cooking facilities and certain rooms in common, or (b) not more than four (4) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

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

Felling – The act of cutting a standing tree so that it falls to the ground.

Fence - A barrier constructed of wood, metal, stone, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

Flood Plain – The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow. The limits of the flood plain shall be as mapped as part of the National Flood Insurance Program. In the absence of such maps, the flood plain shall be determined through analysis performed by the applicant unless the Township allows use of the mapping of alluvial soils as determined by the Soil Survey for Berks County, Pennsylvania.

Floor Area – Building – The sum of the gross horizontal areas of the floors of a building, excluding cellar and basement floor areas unless clearly and unequivocally tied to the living space. For purposes of this definition, basement or cellar areas used primarily for storage or equipment placement, etc. shall not be included. Floor area does include the area of roofed and enclosed porches and roofed terraces if they are of such construction as permits year round use and function. All dimensions shall be those as measured between exterior faces of walls in question.

Forestry - The management of forests 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.

Garage, Private - An accessory building used for the storage of motor vehicles owned and operated by the owner or occupants of the premises, provided such does not include the storage of more than three commercial vehicles regardless of by whom owned.

Garage, Storage - Any accessory building used exclusively for the storage of motor vehicles not commonly operated, or the storage of other tangible items or articles.

Governing Body – Shall mean the Board of Supervisors of District Township, Berks County, Pennsylvania.

Grade, Finished - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans of designs relating thereto.

Greenhouse – An enclosure made predominately of clear glass used for the cultivation or protection of plants.

Hazardous Waste - Hazardous Waste as defined in the Pennsylvania Solid Waste Management Act, as amended.

Heliport - A use of land designed or used for the taking-off and landing of helicopters.

Highway Access Point - The location or place of egress from or access to a street or highway created by driveway, or street or easement, or other road or highway.

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

Home Occupation – A lawful occupation for gain or support conducted entirely within a dwelling or in a building accessory thereto and carried on by persons resident therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and that the exterior of the structure or premises is constructed and maintained as a residential dwelling only. It is further required that no goods be publicly displayed outside of the premises in order to qualify for this definition.

Hydric Soil - Soils developed under conditions sufficiently wet to support the growth and regeneration of hydrophytic vegetation and soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions (an anaerobic situation is one in which molecular oxygen is absent) in the upper part.

Criteria for identifying hydric soils include somewhat poorly drained soils that have water table less than 0.5 ft. from the surface for a significant period (usually a week or more) during the growing season; are poorly drained or very poorly drained and have either water table at less than 1.0 ft. from surface for a significant period during the growing season if permeability is equal to or greater than 6.0"/hr. in all areas within 20", or have water table at least 1.5 ft. from the surface for a significant period during the growing season if permeability is less than 6.0"/hr. in any layer within 20"; soils that are ponded for long duration (from 7 days to 1 month) or very long duration (greater than 1 month) during the growing season; or soils that are frequently flooded for long duration or very long duration during the growing season.

Impervious - Not easily penetrated by water (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).

Improvement – Includes but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, sanitary sewer mains including laterals to the street right-of-way line, storm drains including all necessary structures, sidewalks, cross-walks, street trees, and monuments.

Junk Yard – A lot, land, structure or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof.

Landing - A place where logs, pulpwood, or firewood are temporarily assembled for transportation to processing facilities.

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

Landscaping - Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

Loading Space – A space, accessible from a street or driveway, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

Lop - To cut tops and slash into smaller pieces to allow material to settle close to the ground.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot, Corner - A lot at the junction of and abutting on two or more intersecting streets, either public or private, or at the point of abrupt change in direction of a single street, the interior angle of which is not greater than 135 degrees.

Lot, Flag – A single lot that lacks the normal required lot width at the street, but which has an access strip leading from a public or private street to the main portion of the lot, and which has been specifically approved by the Board of Supervisors for single-family use. The minimum lot size and widths, building setback lines, and other applicable portions of the Township Zoning Ordinance shall be applicable to the main portion of the flag lot, excluding the access strip.

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

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

Lot Area – The area of land contained within the limits of the property lines bounding that area. For determining compliance with minimum lot size requirements, the area of the lot shall be measured from the street right-of-way line.

Lot Depth – A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines, measured from the street right-of-way line.

Lot Frontage - That portion of a block or lot which fronts on a street.

Lot Lines – Lines forming the front, rear and sides of a piece of property as described in the deed for said property.

- (a) Rear Lot Line – The lot line which is opposite and most distant from the front line. In the case of corner lots, the owner may, subject to the concurrence of the Zoning Officer, and for the purposes of the Zoning Officer, and for the purposes of the Zoning Ordinance, designate any lot line, other than one of the front lines, to be the rear lot line. The rear lot line of any irregular or triangularly shaped lot shall for the purposes of this Ordinance, be a line entirely within the lot, 10' long.

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

Lot Width - The distance between side lot lines which is parallel to the front lot line.

Mature Tree - Any deciduous tree with a DBH greater than or equal to six inches (6") and any coniferous tree with a height greater than or equal to six feet (6').

Minimum Lot Size - A numerical expression of the smallest net area in which a particular use shall be allowed. This standard shall be expressed in acres.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The construction and foundation of a mobile home shall comply with any applicable Federal, State, or Township standards and shall bear any required seal indicating compliance with those standards.

Municipal Use – A land use created and maintained by the Township and including such uses as library, park, playground, administrative or maintenance building or related storage areas.

Municipal/Private Waste – Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and community activities.

Municipality – Shall mean the Township of District, Berks County, Pennsylvania.

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.
- (i) A Zoning Permit must be obtained from the Township.

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign - A sign which does not conform to the regulations of the district in which it is located.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursery - Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

Open Area – Land not covered by buildings and other impervious surfaces.

Open Space and Recreation Area

- (a) Subdivisions: Required ground surface upon which no dwelling or accessory uses thereto may be constructed and upon which no loading and parking areas are or shall be permitted. The area shall be available for the recreational use of all residents of the development in which it is located.
- (b) All Other: A tract of land acquired or owned by the Township, County, State or Federal government and made available to the public for recreational and/or amusement purposes.

Owner - That person, persons or entity in whom property is actually titled or by whom owned in the commonly used context of that term.

Owner, Equitable - That person, persons or entity in whom some legal rights of title and/or ownership, but not all, are vested. Includes person, persons or entities having a property under Agreement or similar contract of purchase or sale, as buyers and who has (have) certain rights thereto, e.g., right to conduct percolation tests, right to subdivide, etc.

Parking Lot - An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space - A space or area on a lot of land used for the parking of a motor vehicle, the square foot area of which shall be not less than 200 and to which there is access from a public thoroughfare.

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

Paving - Hard material such as concrete, asphalt, or brick, applied to a lot in order to smooth or firm the surface of the lot.

Permitted by Right Use - A use which does not require zoning approval by the Zoning Hearing Board or by the Township Supervisors before a zoning permit is granted by the Zoning Officer, although a site plan review or land development plan may be required.

Permitted Use - A use allowed in a particular Zoning District as established by this Ordinance.

Person - A term which shall be construed to include a firm, association, organization, partnership, trust company, corporation, individual or other entity.

Place of Worship - A building wherein persons assemble regularly for religious worship and that is used only for such purposes and for those accessory activities as are customarily associated therewith.

Planning Commission – The Planning Commission of District Township, Berks County, Pennsylvania.

Plat – A map or plan of a subdivision or land development, whether preliminary or final.

Pre-Commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

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

Principal Building – A building in which is conducted the principal use of the lot on which it is situated.

Property Line - A recorded boundary of a lot.

Public Notice - Notice 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. The first publication shall be not more than 30 days and the second publication shall be not fewer than seven days from the date of the hearing.

Public Road - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, under the jurisdiction of the Township or State.

Recreational Vehicle – A vehicle designed to be self-propelled or towed, not designed for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Retaining Wall - A wall over two (2) feet in height for holding in place a mass of earth, typically at the edge of an excavation.

Riding Stable - The commercial boarding or renting of horses.

Right-of-Way - The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Riparian Buffers – Vegetated areas next to water resources that protect water resources from nonpoint source pollution and provide bank stabilization and aquatic and wildlife habitat.

Riparian Rights - Rights relating to the bank of a stream, lake or other water course.

Sanitary Landfill – A land site on which engineering principles are used to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation, in accordance with all State requirements.

Sanitary Sewerage System - An approved system of providing sanitary sewerage collection, treatment and disposal which is owned and/or operated by municipal authority, a municipal governing body, or such other association, group or private person as meets the necessary requirements laid down by law.

- (a) On-Site – Any structure or facility designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
- (b) Community – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.
- (c) Public – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Screening - Vegetative material, fence, etc. of sufficient height and density to screen the view, from adjoining areas, of the structures and uses on the premises upon which such screening is located.

Septic Tank – A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Setback - The minimum required distance from a lot line to the part of the building nearest to such a lot line.

Sewage Enforcement Officer - The Township official who being certified by the State Board of Certification or Pennsylvania Department of Environmental Protection, issues and reviews permit applications and conducts such investigations, inspections and tests as are necessary to implement the Pennsylvania Sewage Facilities Act as amended, and the rules and regulations issued thereunder, and Township Ordinances.

Sign - Any advertisement, announcement, direction or communication produced in whole or in part by constructing, erecting, fixing or placing the structure on land or any other structure; or produced by pasting or otherwise placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Not including lettering or other identification which is an integral part of the architectural design of said building.

Single and Separate Ownership - The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

Skidding - Dragging trees on the ground from the stump to the landing by any means.

Slash - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Slope - The change in vertical elevation over horizontal distance, expressed as a percentage.

Special Exception - Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance.

Stand - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

Storage Shed – An accessory building with four sides and a roof, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2' above the floor of such story.

Stream – A water course, a channel or a ditch which is not artificially maintained and which contains surface water in its normal state, and whether or not it appears on the official zoning map of District Township.

Street – A public (dedicated) or private (undedicated) right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation to provide access. The word “Street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service street, road or similar terms.

Street Centerline - The center of the surveyed street right-of-way, or, where not surveyed, the center of the traveled cartway.

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

Street Line – The outside boundary of a public street, road, or highway right-of-way legally open or officially plotted by municipality or a higher governmental authority, or

between a lot and a private street, road, or way over which the owners or tenants of two or more lots held in a single and separate ownership have the rights-of-way.

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

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

Subdivision and Land Development Ordinance - The Subdivision and Land Development Ordinance of District Township, Berks County, Pennsylvania.

Surface Mining – The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

Swimming Pool – Any permanent structure intended for swimming or recreational bathing that contains water over twenty four (24) inches deep.

Timber Harvesting, Tree Harvesting, or Logging - That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

Top - As applied in forestry, the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

Township - The Township of District, Berks County, Pennsylvania.

Township Planning Commission – The Planning Commission of District Township.

Township Supervisors – The Board of Supervisors of District Township.

Township Zoning Officer - The agent or official designated by the Board of Supervisors to administer and enforce the District Township Zoning Ordinance.

Trades Business – An activity for gain or support conducted by a person residing within a dwelling where the business owner’s dwelling is used as a base of operations for office and related vehicle parking, but the actual business activity is conducted off-site.

Tree Farming – Activities related to growing and harvest of trees for ornamental purposes and/or bulk sale of evergreen trees (Christmas trees).

Use – The purpose for which land, structure, sign or building is arranged, designed or intended or which land, structure, sign or building is or may be used, occupied or maintained.

- (a) Principal Use – The main or primary purpose for which any land, structure, building and/or sign or use thereof is designed, arranged or intended, or for which they may be occupied or maintained under this Zoning Ordinance. All other structures, buildings, signs and/or uses on the same lot or incident or supplementary thereto and permitted under the Zoning Ordinance shall be considered accessory uses.
- (b) Accessory Use - A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, or a use not a principal use.

Utility – Any utility coming under the jurisdiction of the Pennsylvania Public Utility Commission.

Variance – Relief from the strict compliance of the specifications and requirements of the Zoning Ordinance, as granted by the District Township Zoning Hearing Board.

Wall (Free Standing) - A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion of a lot from the exterior of the lot.

Watercourse - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

Wetland - Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wildlife Sanctuary - Includes nature center, outdoor education laboratory, woodland preserve or arboretum.

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

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

- (a) Front - The required open space extending along the street line throughout the full width of a given lot exclusive of overhanging members and steps. The front yard shall be measured from the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. (Also see Flag Lot)
- (b) Side - The required open space extending along the side line of a lot beginning at the front yard setback line and ending at the rear yard setback line and parallel to the side lot line.
- (c) Rear - The required open space extending along the rear line of the lot throughout the full width of the lot.

Zoning Hearing Board – District Township Zoning Hearing Board.

Zoning Map – The official Zoning Map of District Township, Berks County, Pennsylvania.

Zoning Officer - See Township Zoning Officer.

Zoning Ordinance - District Township, Berks County, Zoning Ordinance.

ARTICLE IV

ZONING DISTRICTS

Section 400. TYPES OF ZONING DISTRICTS

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

- C Conservation
- A-1 Agricultural

Section 401. ZONING MAP

1. The boundaries of the Zoning Districts shall be as shown on the Zoning Map of District Township. The Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. If the Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map.
3. The Board of Supervisors shall keep the Zoning Map up to date and make copies available upon request, at a charge no great than the cost thereof.”

Section 402. DISTRICT BOUNDARIES - RULES FOR INTERPRETATION

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

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets or streams, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets or streams, such district boundaries shall be construed as being parallel to the right-of-way lines or stream at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or streams, such district boundaries shall be construed as being perpendicular to the right-of-way lines or stream.
5. Boundaries indicated as approximately following municipal limits shall be construed as following such limits.
6. Boundaries indicated as extensions of features indicated in Sections 1 through 5 above shall be so construed.
7. Where physical or contour features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 6 above, the Zoning Officer shall interpret the district boundaries.
8. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in District Township.
9. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, when permitted as a Special Exception by the Zoning Hearing Board, the regulations of either zoning district may be extended a distance of not more than fifty feet beyond the district boundary line into the remaining portion of the lot.

Section 403. APPLICATION OF DISTRICT REGULATIONS

1. Except as hereafter provided in this Ordinance, no building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Permit by the Zoning Officer.

Compliance with this Ordinance in no way relieves responsibility of complying with other Township Ordinances.

2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.
3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance, except as may be required in connection with the widening of a public right-of-way by the Township. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.

4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.
5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Ordinance.
6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirements of the applicable zoning district shall be used in establishing such building setback line.
7. When minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within District Township.
8. When calculating the permissible number of dwelling units within a subdivision or land development in District Township, only land located within District Township shall be used.
9. The minimum lot width at the building setback line established in the Area, Height and Yard Regulations of the Zoning Districts listed in this Zoning Ordinance shall be measured at the minimum building setback established in said Area, Height, and Yard Regulations.
10. Steps within yards for the purpose of walking from one level of the yard to another may be located anywhere within yards.
11. The measurement of building length shall be made along one building wall, in one general direction.
12. All territory which may hereafter be annexed to the Township in the future shall be considered a C District until otherwise classified.
13. Buildings, structures, and uses owned or occupied by District Township are not subject to the regulations of this Ordinance regarding area, yard, height, building coverage or lot coverage.

The use of land by District Township is not subject to the regulations of this Ordinance.

14. Association documents required by the Planned Unit Development Act shall be submitted to the Township for review.

ARTICLE V
DISTRICT REGULATIONS

Section 500. C - CONSERVATION DISTRICT

As stated in the Eastern Berks County Comprehensive Plan, District Township is blessed with great natural diversity in its landscape. Much of this landscape takes the form of rocky and wooded hillsides and ridges that are difficult to develop yet offer protection of surface water quality. At the same time these areas present significant natural habitats and passive recreation opportunities. Other lower-lying areas contain valuable wetlands and sensitive floodplains; these areas, too, hold the same value.

The Conservation District is intended to protect natural, scenic, and historic values in the environment and preserve forests, wetlands, aquifers and floodplains pursuant to Section 604.(1) of the Municipalities Planning Code. In accordance with the Eastern Berks County Comprehensive Plan, only a very low density of development is permitted in this zoning district.

Section 500.1 PERMITTED USES

Land and buildings in the Conservation District shall be used only for one of the following purposes, and no other.

- a. Forestry and tree farming, subject to Section 627 of this Ordinance.
- b. Agricultural (not including intensive agriculture), subject to Section 619 of this Ordinance.
- c. Single family detached dwelling.
- d. Woodland or game preserve or similar wildlife preservation or conservation use.
- e. Municipal use.
- f. No-Impact Home-Based Business.
- g. Home occupation, subject to Section 616 of this Ordinance.
- h. Communication antennas located on existing structures or towers or alternate tower structure, in accordance with District Township Ordinance #2000-1, as amended.
- i. Accessory buildings and uses clearly incidental to the principal use of the above-permitted uses when located on the same lot.

Section 500.2 SPECIAL EXCEPTION USES

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 902 of this Ordinance.

- a. Park, playground or similar non-commercial recreational area operated by public or private non-profit agency.
- b. Hunting, fishing, and similar recreational use operated as a commercial enterprise.
- c. Places of worship.
- d. Riding academies and boarding stables.
- e. Fraternal, sporting or other non-commercial lodges or clubs.
- f. Bed and Breakfast Inn.
- g. Communication towers and antennas and additional buildings or supporting equipment, in accordance with District Township Ordinance #2000-1, as amended.
- h. Accessory buildings and uses clearly incidental to the principal use of the above-permitted special exception uses when located on the same lot.

Section 500.3 CONDITIONAL USES

The following uses are permitted when a Conditional Use is approved by the Board of Supervisors pursuant to Section 810 of this Ordinance.

- a. Trades business, subject to Section 604 of this Ordinance.

Section 500.4 AREA, HEIGHT, AND YARD REGULATIONS

Buildings and structures devoted exclusively to agriculture use shall be exempted from lot coverage and building height regulations. All other buildings or structures erected or altered for any use within this C – Conservation District shall conform to the requirements shown in the following table and to other applicable requirements, including but not limited to regulations in the Township Subdivision and Land Development Ordinance and other applicable ordinances concerning on-lot sewage disposal systems and the provision of alternate locations for such systems. Flag lots may be approved by the Township pursuant to all applicable regulations in the Township Subdivision and Land Development Ordinance. Determination of conformance shall be made by the Zoning Officer, subject to review by the Zoning Hearing Board upon appeal by an aggrieved party:

Minimum and Maximum Regulations (See also Section 632, Determination of Density for Parcels Containing Protected Areas)

	<u>Single Family Detached Dwellings</u>	<u>All Others</u>
Building Coverage (Maximum)	10%	15%
Building Height (Maximum)	35'	35'
Lot Size (Minimum)	3 Acres	3 Acres
Lot Width at Street (Minimum)	100'	150'
Lot Width at Building Setback Line (Minimum)	200'	200'
Lot Depth (Minimum)	200'	200'
Open Area (Minimum)	90%	85%
Front Yard Setback (Minimum)	60'	100'
Rear Yard Setback (Minimum)	60'	75'
Side Yard (Minimum)	(a) Total (b) One Side	70' 30'
Minimum Width at Rear Yard Building Setback Line	150'	200'

Section 500.5 ROAD FRONT LOTS

No more than five (5) lots using existing road frontage for access shall be allowed in any tract area. In order to discourage strip development along existing roads, which has been the most common approach to new housing in the Township for many years, future development will be limited to five (5) road-front lots in any Tract Area, regardless of size. A flag lot with access to an existing road is considered a road-front lot. If a Tract Area is divided by conveyance of a part thereof, the Grantor may allocate the right to develop the permitted road front lots in the deed. If no such allocation is made, the Township will apportion road front lots between the Tracts if, as, and when a subdivision or land development plan is submitted, in such manner as the Township deems advisable, considering the features of the particular Tract Area.

Section 501. A-1 AGRICULTURAL DISTRICT

In the interest of public health, safety, and welfare, the A-1 Agricultural District is designed and intended to accomplish the following:

- a. Protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township.
- b. Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for any purpose other than agriculture by limiting uses within the Agricultural District, insuring that farms remain of sufficient size to be profitable for farming by limiting the number of lots which may be created, limiting the maximum size of residential lots, and imposing a minimum lot size on farms to be created which is sufficient to insure viability.
- c. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with agricultural uses.
- d. Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.
- e. To implement the requirement of Section 604(3) of the Municipalities Planning Code that zoning ordinances shall be designed to preserve prime agricultural land.

Section 501.1 PERMITTED USES

Land and buildings in an A-1 Agricultural District shall be used only for one of the following purposes, and no other.

- a. Agriculture (Not including Intensive Agriculture), subject to Section 619 of this Ordinance.
- b. Forestry and Tree Farming, subject to Section 627 of this Ordinance.
- c. Single family detached dwellings on a lot of record held in single and separate ownership on the effective date of this Section which is not presently improved with a single family detached dwelling or other principal non-agricultural building.
- d. Single family detached dwellings on a lot created after the effective date of this Section subject to the limitation on subdivision of lots or erection of principal non-agricultural building.
- e. Temporary portable structures for the retail sale of agricultural products such as vegetables, fruits and eggs.
- f. Nurseries and greenhouses without retail sales.

- g. Woodland or Game Preserve or similar wildlife preservation or conservation use.
- h. Municipal use.
- i. No-Impact Home-Based Business
- j. Home occupation, subject to Section 616 of this Ordinance.
- k. Communication antennas located on existing structures or towers or alternate tower structures, in accordance with District Township Ordinance #2000-1, as amended.
- l. Accessory buildings and uses clearly incidental to the principal use of the above permitted uses when located on the same lot and do not include any activity conducted as a non-agriculturally related business.

Section 501.2 SPECIAL EXCEPTION USES

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 902 of this Ordinance.

- a. Intensive Agriculture, subject to Section 619 of this Ordinance.
- b. Farm occupations, subject to the conditions set forth in this Section.
- c. Riding academics and boarding stables.
- d. Places of worship.
- e. Fraternal, sporting or other lodges or clubs.
- f. Communication towers and antennas and additional building or supporting equipment, in accordance with District Township Ordinance #2000-1, as amended.

Section 501.3 CONDITIONAL USES

The following uses are permitted when a Conditional Use is approved by the Board of Supervisors pursuant to Section 810 of this Ordinance.

- a. Trades business, subject to Section 604 of this Ordinance.

Section 501.4 AREA, HEIGHT AND YARD REGULATIONS

Buildings and structures devoted exclusively to agriculture use shall be exempted from lot coverage and building height regulations. All other buildings or structures erected or altered for any use within this A-1 Agricultural District shall conform to the requirements shown in the following table and to other applicable requirements, including but not limited

to regulations in the Township Subdivision and Land Development Ordinance and other applicable ordinances concerning on-lot sewage disposal systems and the provision of alternate locations for such systems. Determination of conformance shall be made by the Zoning Officer, subject to review by the Zoning Hearing Board upon appeal by an aggrieved party:

Minimum and Maximum Regulations

	<u>Single Family Detached Dwellings</u>	<u>All Others</u>
Building Coverage (Maximum)	10%	15%
Building Height (Maximum)	35'	35'
Lot Size	Minimum – 1 Acre Maximum – 3 Acres	3 Acres Minimum
Lot Width at Street (Minimum)	100'	150'
Lot Width at Building Setback Line (Minimum)	100'	200'
Lot Depth (Minimum)	100'	200'
Open Area (Minimum)	85%	85%
Front Yard Setback (Minimum)	50'	100'
Rear Yard Setback (Minimum)	50'	75'
Side Yard (Minimum)	(a) Total 50' (b) One Side 20'	70' 30'
Minimum Width at Rear Yard Building Setback Line	100'	150'

Section 501.5 LIMITATIONS ON SUBDIVISION

It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision and land development.

- a. Number of lots, dwellings or other principal non-agricultural buildings permitted. For each parent tract there shall be permitted by special exception the subdivision of one (1) lot (which shall specifically include, but not be limited to, a subdivision to create a farm or farms and a subdivision to change lot lines or which removes land from the

parent tract to add the land to another lot) or the erection of one (1) single family dwelling or other principal non-agricultural building on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 501.4 above, for each twenty-five (25) acres held on the effective date of this Section, or if the parent tract was not classified as A-1 Agricultural District on the effective date of this Section, on the date when such land was first included in the A-1 Agricultural District. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Parent Tract Size In Acres	Number of Lots Permitted to be Subdivided or Dwellings or Principal Non-Agricultural Buildings Permitted to be Erected
At least 2 but less than 25	1
At least 25 but less than 50	2
At least 50 but less than 75	3
At least 75 but less than 100	4
At least 100 but less than 125	5
At least 125 but less than 150	6
At least 150 but less than 175	7
At least 175 but less than 200	8
At least 200 but less than 225	9
At least 225 but less than 250	10

- (1) The number of lots which may be created or single family dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
- (2) Any land development, the purpose of which is to permit the erection of a permanent single family dwelling on a parent tract which has been previously improved with a dwelling which also will remain upon the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of agricultural tracts for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.
- (3) No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for residential purposes.

- (4) If a parent tract is to be subdivided to create a new lot for a farm, the remainder of the parent tract and the new lot to be created for the new farm each must contain a minimum of ten (10) acres.
 - (5) In addition to any other requirements of this Ordinance, any proposal to subdivide a parent tract to create a new lot which is greater than two (2) acres but less than ten (10) acres or which will result in the remainder of the parent tract being in excess of two (2) acres but less than ten (10) acres shall not be permitted unless the proposed subdivision uses all remaining rights to subdivide lots or erect additional dwellings or other principal non-agricultural buildings on the parent tract and no configuration which would limit the creation of the lot to less than two acres while retaining a parent tract of at least ten (10) acres is possible.
- b. Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 501.5.a:
- (1) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is taken and the parent tract to which the land is added will be ten (10) acres or greater after such subdivision.
 - (2) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.
 - (3) A subdivision, the sole purpose of which is to transfer not more than one half (0.5) acres of land to increase the size of an existing residential lot.
- c. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land in the A-1 Agricultural District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on the effective date of this Section or on the date when such land was first included in the Agricultural District, whichever is later. The right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created lot. If the designation of the right of further subdivision or erection of additional single family dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or

erection of additional single family dwellings or other principal non-agricultural buildings.

Section 501.6 FARM OCCUPATIONS

Within the A-1 Agricultural District farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:

- a. For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use.
- b. No more than the equivalent of two (2) nonresidents shall be employed by the farm occupation, and at least one (1) owner of the farm occupation must reside on the site.
- c. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building.

However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties.

- d. All parking and loading areas shall be screened from adjoining roads and properties.
- e. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
- f. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- g. The applicant shall delineate the area devoted to the farm occupation which shall not exceed one (1) acre of lot area. Any access drive serving the farm occupation and the farm, shall not be calculated as land serving the farm occupation.

No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces and the farm occupation shall occupy no more than four (4000) thousand square feet of gross floor area.

- h. Any sign used for a farm occupation shall not exceed ten (10) square feet in size.

ARTICLE VI

GENERAL REGULATIONS

Section 600. INTENT

This Article lists specific controls over certain aspects of land utilization. These controls are important to the accomplishment of the purposes of this Zoning Ordinance and shall be strictly applied.

Section 601. CONDUCT OF AGRICULTURAL ACTIVITIES

Agricultural activities permitted to be conducted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township, this Ordinance, and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

Section 602. HAZARDOUS WASTE AND NUISANCE

No building may be erected, altered, or used and no lot or premises may be used for the storage or disposal of hazardous waste or any activity which is noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination, or similar substances or conditions.

Section 603. ACCESS TO STRUCTURES

Every building erected or moved shall be on a lot adjacent to a public street or have access to an approved private street. All structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 604. TRADES BUSINESS

1. A trades business is permitted in conjunction with single-family detached dwellings only.
2. Trades businesses include but are not limited to masons, carpenters, plumbers, painters, electricians, and roofers. Such businesses shall not include excavating contractors or similar uses that involve heavy equipment or a large number of vehicles.

3. Routine parking of not more than two vehicles used commercially with not more than four wheels each, which are used regularly or frequently for business purposes shall be permitted.
4. No manufacturing, assembling, processing, or product sales shall be permitted on the property.
5. No outside area shall be used for storage of business related materials and equipment, other than the three vehicles allowed in subsection 3. above. In addition to the business office/space allowed within the dwelling in subsection 4. above, an area within one (1) detached structure may be used for business uses, provided that space does not exceed 1000 square feet of gross floor area. Such area in a detached structure shall house only those materials and equipment normally associated with the specific trades business.
6. Trades business shall comply with all applicable provisions of Article VI for commercial operations and prior to any such use being established in the Township a land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance, unless the requirement of the plan is waived by the Township.

Section 605. USE REGULATIONS - GENERAL

1. No structure shall be located within any required front, side or rear yard required by this Ordinance.
2. No activities shall be permitted which create a public nuisance or interfere with the use of adjacent residential lots.
3. Accessory uses include, but are not limited to, animal shelters, detached garages, swimming pools, greenhouses and tennis courts.
4. Swimming Pool
 - a. No swimming pool of a type referred to in this Ordinance, shall be constructed or installed until an appropriate permit has been obtained from the Township Zoning Officer.

- b. No swimming pool of a type referred to in this Ordinance, shall be constructed within front, side or rear yard setback lines.
5. Detached Garages - No garage shall be of such dimensions as exceeds 2,000 square feet measured from outside corner to outside corner.
 6. Storage Areas for Commercial and Industrial Uses

All such facilities shall be located in an area which has direct access to a street or driveway.

7. Only one principal use shall be permitted per lot.

Section 606. HIGHWAY FRONTAGE DEVELOPMENT FOR COMMERCIAL AND INDUSTRIAL USES

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading, or storage area.
2. Each use with less than 100 feet of frontage on a public street shall have not more than one accessway to each such street. No use with 100 feet or more frontage on a public street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to from a major collector.
3. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the street property line shall conform to the following schedule:

	<u>Width in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One way	12	26
Two way	24	36

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

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

4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets, The center line of the access driveway to any public street shall be located at least 75 feet from the intersection of any street lines.

Section 607. LIGHTING

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers at or beyond the lot boundaries.

Section 608. SIGNS

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

1. General

- a. Signs shall not contain moving parts nor use flashing or intermittent illumination.
The source of light shall be steady and stationary.
- b. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- c. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.

- d. Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.
- e. No sign shall cast objectionable light upon any activity or building beyond the property lines of the property on which it is located.
- f. The distance from the ground to the highest part of any sign shall not exceed ten feet.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, or fire escape.
- h. No sign except trespassing signs and signs indicating the private nature of premises shall be located on or derive substantial support from any living tree, bush or shrub.
- i. No sign shall be located within twenty-five feet from the center line of any road.

2. Permitted Signs

- a. Official traffic signs.
- b. Identification signs or bulletin or announcement boards for schools, churches, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that:
 - (1) No more than two such signs shall be erected on any frontage of any one property.
 - (2) The area on one side of any such sign shall not exceed twelve square feet.

- c. Professional, home occupation, or name sign indicating the name or profession of the occupant of a dwelling, provided:
 - (1) One side of any such sign shall not exceed two square feet.
 - (2) One such sign shall be permitted for each permitted use or dwelling.
 - (3) Signs indicating a permitted non-residential use may be erected on the property where that use exists.

- d. Real estate signs, including signs advertising the rental or sale of premises, provided that:
 - (1) The area on any one side of any such sign shall not exceed twelve square feet.
 - (2) A sign shall be located on the property to which it refers.
 - (3) Not more than one such sign shall be placed on any one street frontage.

- e. Temporary signs of contractors, architects, and the like, provided that:
 - (1) Such signs shall be removed promptly upon completion of the work.
 - (2) The area of such signs shall not exceed twelve square feet.
 - (3) Such signs shall be located on the property on which the work is being done.

- f. Signs advertising a lawful non-conforming use, provided that:
 - (1) The area on one side of such sign shall not exceed twelve square feet.
 - (2) The sign shall be erected only on the premises on which such non-conforming use is located.
 - (3) No more than one such sign shall be erected on any one street frontage.

- g. Signs necessary for the identification and protection of public utility facilities, provided that the area of one side of such sign shall not exceed four square feet.
- h. A sign advertising the sale of farm products, nursery products, or livestock produced or raised on the premises, provided:
 - (1) The areas on one side of any such sign shall not exceed twelve square feet.
 - (2) Not more than one such sign shall be erected on any one street frontage.
- i. Signs within a residential subdivision to direct persons to a rental office of sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two square feet.
- j. Trespassing signs and signs indicating the private nature of premises. The area of any one side of such signs shall not exceed two square feet and the signs shall be placed at intervals of not less than one hundred feet along any street frontage.

3. Signs Permitted for Permitted Commercial and Industrial Uses

Signs may be erected and maintained, provided that:

- a. No sign advertising a use not conducted or goods not sold on the premises shall be permitted.
- b. No sign shall be readable from the rear or side of any property.
- c. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed 100 square feet except in the case of a building housing more than one commercial or industrial use.

- d. Where a single building or related cluster of buildings houses more than one such commercial or industrial use, a single signboard shall be erected, and in separate spaces thereon, such individual uses as may be housed therein shall be noted and advertised if the owners or managers thereof so desire. Such signboard shall not exceed 150 square feet in area, and shall otherwise conform to the provisions of this Ordinance.
- e. No more than one sign shall be located within ten feet of the front lot line.
- f. No more than one free standing sign shall be allowed on any one property.

Section 609. OFF-STREET PARKING

Off-street parking facilities shall be provided whenever:

- a. A building is constructed or a new use established.
- b. The use of an existing building is changed to a use requiring more parking facilities.

- c. An existing building is altered so as to increase the amount of parking space required.
1. Each parking space shall have a minimum area of 200 square feet and minimum dimensions of ten feet (10') by twenty feet (20'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided.
2. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 300 feet of the use.
3. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
4. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
5. All parking areas serving commercial and industrial uses and common parking areas for apartments and townhouses shall be paved and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed five percent. Surface water shall not discharge onto public sidewalks or other premises.
6. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, storage, repair, dismantling, or servicing of vehicles.
7. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.

8. No off-street parking plan shall be approved where a portion of the lot is to remain undeveloped unless an adequate area for parking is reserved for future development. Reservation can be made by suitable deed restrictions.
9. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full parking space.
10. Off-street parking requirements shall be as follows:
 - a. Residential Uses Two parking spaces per dwelling unit
 - b. Wholesaling, Warehouse, or Industrial Use One space per two employees on the combined employment of the two largest successive shifts
 - c. Restaurant, Tavern, or Similar Use One space for each four seats plus one space for each full time employee on the largest shift
 - d. Retail and Service Establishments One space for each 150 square feet of gross floor area
 - e. Office Buildings One space for each 200 square feet of gross floor area
 - f. Motel, Hotel, Tourist Home or Similar Establishment One space for each rental unit plus one space for each employee
 - g. Medical, Dental, and Paramedical Offices and Clinics Six spaces for each person engaged in practice
 - h. Nursing Home, Convalescent Home, or Home for the Aging One space for each employee plus one space for each four beds
 - i. Funeral Home One space for each four seats
 - j. Roadside Farm Stand Not less than five spaces
 - k. Drive-In Eating Establishment (no indoor seating provided) One space for each 1,000 square feet of lot area, the required number of spaces not to exceed twenty

- | | | |
|----|---|---|
| l. | Auditorium, Theater,
Municipal Building, Place of
Worship, Club or Lodge, or
Other Place of Public
Assemblage | One space for every three seats |
| m. | Library or Museum | One space per 300 square feet of gross floor
area |
| n. | Nursery Schools | One space per employee plus one space for
loading and unloading of children for each
five children accommodated in the school |
| o. | Skating Rink, Swimming
Pool, Indoor Recreational
Establishment | One space per fifty square feet devoted to
patron use |

For any building or use not covered above, the Zoning Hearing Board shall apply the standard for off-street parking spaces in the above schedule deemed to most appropriately suit the proposed building or use.

Section 610. DRIVEWAYS

Driveways shall be constructed in accordance with the District Township Driveway Ordinance and the District Township Subdivision and Land Development Ordinance.

Section 611. STORAGE OF VEHICLES

Automotive vehicles, vehicular dwellings or parts thereof of any type without current license plates shall not be parked or stored anywhere in the Township other than in a carport, enclosed building, or to the rear of all structures (provided such unenclosed storage shall not be within seventy-five feet (75') of a property line). In no case shall such storage consist of or exceed the storage of more than two (2) unlicensed vehicles, vehicular dwellings, or parts thereof.

Section 612. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

No recreational vehicle shall be used for living, sleeping or housekeeping purposes, except temporary use by guests or visitors of the lot owner not to exceed a period of two-weeks for each said vehicle per year. Under no circumstances shall a recreational vehicle (RV) be parked or stored, or used at any time as a principal use on any lot. If the lot owner stores or parks his RV on his lot, it must not be parked or stored within any required front or side yard.

Section 613. OBSTRUCTIONS

1. On a corner lot, no wall, fence, or other structure may be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained which may cause danger to the drivers of vehicles on a public road by obscuring the drivers' view.
2. Clear sight-triangles shall be provided at all street intersections. Within such triangle, no object shall be permitted which obscures vision above the height of three feet and below ten feet, measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of seventy-five feet from the point of intersection of the center lines of the intersecting streets or at such other distance established by the District Township Subdivision and Land Development Ordinance.

Section 614. STEEP SLOPES OVERLAY DISTRICT

1. Purpose

Steep slope areas are environmentally sensitive areas which require the protection afforded by these regulations in addition to the provisions set forth in underlying zoning district. The purpose of establishing these provisions to control and manage steep slope areas is to promote and protect the general health, welfare and safety of the Township; to encourage the utilization of appropriate construction practices; to minimize potential hazards to public health; to reduce financial burdens imposed on the Township; to regulate development in this district in accordance with Federal and State law, and Township ordinances; to conserve and protect areas of steep slope from inappropriate development and excessive grading; to avoid negative impacts caused by erosion, stream siltation, soil failure leading to structural collapse, damage, or unsanitary conditions; to minimize danger to public health and safety by promoting safe and sanitary drainage; and to permit and encourage the use of steep slope areas for open space purposes, so as to constitute a harmonious aspect of the continuing physical development of the Township.

2. Steep slopes are defined as all areas within the Township having a ground surface that slopes at a rate of eight percent (8%) or greater.

3. Steep slopes shall consist of three (3) categories:
 - a. 8 to 14.99 percent
 - b. 15 to 24.99 percent
 - c. 25 percent and greater
4. For slopes between 8% and 14.99%, there shall be no special restriction against building or other permitted uses.
5. For slopes between 15% and 24.99%, no more than fifty percent (50%) of the area may be altered, regraded, cleared, or built upon, provided a grading plan is submitted and approved by the Township for any soil disturbance.
6. For those lands with slopes of 25% or greater, no more than twenty-five percent (25%) of the area may be altered, regraded, cleared, or built upon, provided that an application for conditional use is first submitted and approved by the Township. Construction of a single-family residential dwelling on lands with slopes of 25% or greater is prohibited.
7. In addition to that information required by Section 810 for applications for conditional use, an applicant for a conditional use to alter, grade, clear or build upon land with slopes of 25% or greater shall supply the following with the conditional use application:
 - a. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed uses within 100 feet of the proposed use.
 - b. All pertinent information describing the proposal.
 - c. An erosion and sediment control plan.
 - d. The following, unless waived by the Township:
 - (1) Plan view of the site, conforming to the preliminary plan requirements of the Township Subdivision and Land Development Ordinance.
 - (2) Topographic survey showing contour elevations at five foot contours as well as typical tract cross-sections at a scale of one inch to 100 feet (1" = 100') or larger. In addition, typical tract cross-sections at a vertical and horizontal scale deemed appropriate by the Township Engineer.
 - (3) Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.
 - (4) Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.

- (5) Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities as prepared and sealed by a Registered Professional Engineer.

8. In considering the conditional use application, the Board of Supervisors shall also consider the following:

- a. Relationship of the proposed use to the objectives as set forth in this Section.
- b. Adverse effects to abutting or downstream properties, in view of:
 - (1) Extent and severity of steep slopes on the site.
 - (2) Extent and proposed disturbance of existing vegetative cover on the site.
 - (3) Soil types and underlying geology of the site.
 - (4) Length or extent of steep slopes both on the site in question and on adjacent lands within 100 feet of the site.
 - (5) Evidence that the proposed development, any impervious surface, and the resultant disturbance to the land and existing vegetative cover will not cause excessive runoff and/or related environmental problems as prepared and sealed by a Registered Professional Engineer.
- c. Evidence prepared and sealed by a Registered Professional Engineer that:
 - (1) Proposed buildings or structures are of sound engineering design and that footings are designed to extend to stable soil and/or bedrock.
 - (2) Proposed roads, drives and parking areas are designed that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.
 - (3) Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.
 - (4) Proposed displacement of soil shall be for causes consistent with the intent of this Ordinance and shall be executed in the manner that will not cause erosion or other unstable conditions.
 - (5) Surface runoff of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be construed as necessary.

9. The granting of a conditional use for land with slopes of 25% or greater shall not constitute a representation, guarantee or warranty of any kind by the Township or any official or employee thereof regarding the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or its employees. The owner will be required to execute a document satisfactory to the Township to acknowledge the Township's lack of liability.

Section 615. FLOOD PLAIN CONTROLS

1. Purpose

The purpose of this section is to supplement the zoning district regulations in order to prevent development in areas unfit for development due to flooding; to minimize danger to the public health, by protecting water supply and natural drainage; to promote the health, safety, and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and developments as are compatible with these objectives.

2. Abrogation and Greater Restrictions

This section supersedes any zoning district regulations, but if existing zoning regulations are more restrictive for the particular district within which the property is located, then the more restrictive requirements shall apply.

3. Controls

Flood plain management controls applicable under this zoning ordinance are covered in a separate ordinance of District Township entitled "Flood Plain Management Controls".

Section 616. HOME OCCUPATION REGULATIONS

1. No storage of materials or products in open areas shall be permitted.
2. No display of products made shall be visible from the street.
3. There shall be no outside advertising other than one sign of no more than two square feet in area on any one side.
4. No more than two persons other than immediate family members shall be employed full time by the practitioner of the occupation to provide secretarial, clerical, or other assistance.

5. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the lot boundaries.
6. No potentially dangerous effluent from operation shall be discharged.
7. Such occupations shall be incidental or secondary to the use of the property as a dwelling and not more than the equivalent of the footprint of the dwelling may be used for the purposes of the home occupation.
8. For those occupations which serve patrons, one off-street parking space shall be provided for each 150 square feet of floor area devoted to patron use.
9. No home occupation shall be considered for a permit unless said occupation has been previously reviewed by the planning commission and approved by the Board of Supervisors, and found to be an acceptable use in keeping with the intent of the specific zoning district involved. The practitioner of the home occupation shall enter into an agreement with the Township specifying the conditions under which the home occupation may be practiced.

Section 617. FENCES

No fence or wall over six feet in height may be erected.

No fence, wall, or hedge may be erected or planted within the right-of-way lines of any street, nor may they encroach upon any right-of-way at any time.

Section 618. CORNER LOT RESTRICTIONS

On every corner lot there shall be provided a yard, equal in depth to the front yard requirement of the particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street. This section shall not be construed to affect any building or lot already in existence prior to the effective date of this Ordinance.

Section 619. AGRICULTURAL USE REGULATIONS

1. Agricultural activities shall be conducted in a manner compatible with accepted good agricultural practices and applicable Township, State, and Federal regulations.
2. No slaughter area or manure storage shall be established closer than 100 feet to any property line.
3. All areas used for grazing shall be fenced.

4. No farm use may be maintained if it is conducted in anyway which creates a danger to public health or safety to neighboring uses.
5. The display and sale of farm products shall be permitted provided that:
 - a. At least 50 percent of the products for sale have been produced on the property on which they are offered for sale.
 - b. The off-street parking regulations for a farm are met.
 - c. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than fifty feet from any street right-of-way line.
6. Intensive Agricultural Activity
 - a. Intensive agricultural activities shall not be located within 100 feet of a property line of the property on which it is conducted.
 - b. A minimum lot of five (5) acres is required for intensive agricultural activities; which shall be so located on the lot as to provide front, side, and rear yards of 100 feet. The maximum height of buildings used for intensive agricultural use is 35 feet or 2-1/2 stories, excluding appurtenances.
 - c. Commercial composting is prohibited. Any on-site composting shall be limited for use on the premises on which such composting is made and produced.
 - d. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, or a public nuisance. No solid or liquid wastes shall be discharged or stored in any reservoir, sewage disposal system, storm sewer, unlined holding pond, or open body of water unless such discharges are in compliance with the applicable standards of Local, State, and Federal regulatory agencies.
 - e. Dry lot feeding stations shall be permanently paved.

Section 620. ENVIRONMENTAL PERFORMANCE STANDARDS FOR INDUSTRIAL USES

The Township Supervisors may require safeguards to assure compliance with the following environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements. Nothing in this performance standard shall take precedence over any applicable current State or Federal Law governing air management, waste water management, solids waste

management or noise as enforced by the Federal Environmental Protection Agency and the Pennsylvania Department of Environmental Protection of their successors.

Upon request of the Township the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards.

a. Air Management

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

b. Wastewater Management

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

c. Solid Waste Management

- (1) No storage or disposal of waste material on the lot shall be permitted. Except in the case of residential properties where otherwise required by this Ordinance or other Township ordinance, all waste materials awaiting transport shall be concealed from view from all adjacent properties and

streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

d. Noise and Vibration

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

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

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

Sound Levels by Receiving Land Use

<u>Time</u>	<u>Sound Level (Leq) Limit</u>
7:00 a.m. – 10:00 p.m.	60 dBA
10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA

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

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

- The emission of sound for the purpose of alerting persons to the existence of an emergency.

- Domestic power tools.
- Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- Agriculture.
- Construction operations.
- Public celebrations authorized by the Township.
- Lawn maintenance equipment.
- Surface carriers engaged in commerce by railroad.
- Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
- The unamplified human voice.
- Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.

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

e. Heat

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

f. Electromagnetic and Radioactive Radiation

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

g. PA DEP Requirements

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

h. Electric, Diesel, Gas or Other Power

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

Section 621. JUNK YARDS

It shall be unlawful to operate or hold open to the public any facility falling within the definition of Junk Yard contained in this Ordinance.

Section 622. WETLAND MANAGEMENT

State and Federal Regulations regarding wetlands shall be complied with by owners, applicants, and developers.

Section 623. SEWAGE DISPOSAL

Sewage disposal shall be in accordance with the regulations of the Pennsylvania Department of Environmental Protection, District Township Sewage Facility Ordinance, and District Township Act 537 Sewage Facilities Plan.

Section 624. PRIVATE AIRPORTS AND HELIPORTS

It is the express intent of the Supervisors of District Township that private airports and heliports or landing strips within the Township be tightly controlled. Topography and the small size of the Township geographically mandate that no additional private airports, heliports, and landing strips be allowed, and that no substantial upgrading or commercialization of existing strips be permitted.

Section 625. SANITARY LANDFILLS

Sanitary landfills are not allowed in District Township.

Section 626. SURFACE MINING ACTIVITIES

Surface Mining Activities are not allowed in District Township.

Section 627. FORESTRY

1. There shall be no forestry activities conducted upon any building lot shown on approved subdivision plans, or upon lots shown on plans submitted for approval.
2. There shall be no destruction or removal of trees, wooded areas or forests on building lots shown on such plans for any purpose related directly or indirectly to development or improvement of such lots, except for:
 - a. the removal of sick or dead trees,
 - b. the non-commercial cutting of firewood solely for use by the residence located upon the lot from which it is cut,
 - c. such clearing as is necessary for the development of the lot, subject to the standards set forth below.

3. Clearing of trees, wooded areas or forests for purposes of development shall be under and subject to the following:
 - a. driveways shall be cleared to a width of not greater than thirty feet (30'), unless the Township grants a waiver for wider driveway clearing for installation of storm water control facilities or sedimentation and erosion control measures.
 - b. areas, groves, or stands of mature trees (i.e., greater than twelve inches caliper) consisting of ten or more mature trees, and areas, groves, or stands of medium-mature trees (i.e., greater than six inches caliper) of one-quarter acre or greater shall be protected to the fullest extent possible and cannot be disturbed unless a waiver is granted by the Township.
 - c. in clearing for development, every effort shall be made to preserve and maintain significant individual trees, mature individual trees, hedge rows, fence rows, and canopies of trees that have coverage of sixty percent (60%) or greater.
 - d. Before undertaking any activity which is intended to or is likely to result in the clear cutting of more than 10,000 square feet, the landowner must first present and obtain approval of an erosion and sedimentation control plan by the Township and any other agency with jurisdiction, including but not limited to Berks County Conservation District.
4. The provisions of the preceding paragraph shall not apply to planted nursery stock or planted evergreens raised specifically for commercial harvesting, or to forestry activity which is not directly or indirectly related to land development. Timber harvesting shall be conducted in accordance with the following requirements:
 - a. A zoning permit shall be obtained from the Township prior to harvesting or cutting forty (40) or more mature trees during any one calendar year.
 - b. A Forestry Management Plan consistent with the Timber Harvesting Guidelines of Pennsylvania Forestry Association, prepared by a qualified forester or forest technician, shall be prepared and provided to the Township prior to harvesting 40 or more mature trees during any calendar year.
 - c. Prior to harvesting 40 or more mature trees during a calendar year, the landowner must first present and obtain approval of an erosion and sedimentation control plan by the Township and any other agency with jurisdiction, including but not limited to Berks County Conservation District.
 - d. Clear cutting is prohibited in areas with slopes greater than fifteen percent (15%).
 - e. Clear cutting is prohibited within the boundaries of floodplain as shown on FEMA Floodplain Map.

Section 628. PROTECTION OF SURFACE WATER RESOURCES

When earth disturbance relating to the construction of any building or structure is proposed to take place within seventy-five feet (75') of the top of the bank of any watercourse, the applicant shall, upon the request of the Township Zoning Officer or Engineer, provide such additional information as required by the Township to demonstrate that the proposed earth disturbance will not result in any pollution or adverse impact to the watercourse.

Section 629. HEIGHT EXCEPTIONS

1. The building height limitations contained within this Ordinance shall not apply to chimneys, spires, belfries, cupolas, silos, antennas, elevator shafts, HVAC systems, and other similar structures or appurtenances provided they are not intended for human occupancy. HVAC systems placed above roof level shall be completely screened.

Section 630. BED AND BREAKFAST INN REGULATIONS

1. Bed and Breakfast Inns permitted by this Ordinance are subject to the following regulations:
 - a. No cooking facilities shall be permitted in rooms for rent.
 - b. The maximum number of rooms for rent shall be six (6).
 - c. The maximum number of consecutive nights a room can be rented to any individual is fourteen (14).
 - d. The Bed and Breakfast shall be owner occupied.
 - e. At least one (1) bathroom shall be provided for every three (3) units, plus at least one (1) bathroom for the resident owner.
 - f. The use shall maintain an appearance and character consistent with a residence or a farm. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements, and any necessary safety improvements or removal of architectural barriers.
 - g. Bed and Breakfasts shall only be permitted within buildings that existed on the effective date of this Ordinance.

- h. One (1) off-street parking space shall be provided for each room available for rent and each employee on the premises at any one time, in addition to those required for the dwelling unit.
- i. All parking areas shall be set back a minimum of twenty feet (20') from all property lines, and shall be screened from adjoining lots and streets.
- j. A Bed and Breakfast may erect one (1) sign no larger than nine square feet (9 S.F.) in size, which must be set back at least ten feet (10') from all lot lines.
- k. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- l. The applicant shall furnish proof of any needed land development approvals and approval from the Commonwealth of Pennsylvania Department of Labor and Industry.

Section 631. DETERMINATION OF DENSITY FOR PARCELS CONTAINING PROTECTED AREAS

1. The following procedure shall be followed by all applicants for subdivision and land development approval:
 - a. Phase 1. The applicant shall prepare an Existing Conditions Map of the parcel which shall identify and calculate the areas containing the following resources:
 - (1) Natural resources:
 - (a) Floodplains (one-hundred-year), including floodway and flood fringe;
 - (b) Wetlands;
 - (c) Watercourses, including lakes, ponds and streams;
 - (d) Areas of steep slope, including areas of very steep slopes (25% and over) and areas of moderately steep slopes (between 15% and 25%);
 - (e) Rock outcrops, boulder fields, soils with bedrock at surface (1000 square feet or larger).
 - (2) Man-made resources:
 - (a) Existing and proposed road and access rights-of-way;
 - (b) Existing and proposed utility rights-of-way.
- b. Phase II.
 - (1) The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

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

Natural Resources	Open Space Percentage	Acres of Land in Resource	Protected Area (Acres in Resource x Open Space Percentage)
Floodplain – Floodway	100%	x _____ =	_____
Floodplain – Flood fringe	50%	x _____ =	_____
Wetlands	100%	x _____ =	_____
Watercourses	100%	x _____ =	_____
Very steep slope (25% and over)	75%	x _____ =	_____
Moderately Steep Slope (15-24%)	25%	x _____ =	_____
Rock Outcrop, etc.	90%	x _____ =	_____
	Total Protected Area		_____

- (2) Individual acreage results shall be totaled to result in the “Protected Area.” The Protected Area shall be deducted from the Base Site Area. The maximum number of lots allowed on a parcel shall be calculated by dividing the “Developable Area” by the applicable minimum lot size of the zoning district in which the parcel is located.
- (3) In the event that two or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.
- (4) Protected areas shall not be developed unless specifically permitted by this Ordinance or other municipal ordinance.
- (5) Protected Areas shall be identified on a subdivision, land development, or other plan as required by the Zoning Officer. Metes and bounds or other method acceptable to the Zoning Officer shall be used.
- (6) Where protected areas will be permanently protected and incorporated into an open space system under the control of the Township or a conservation or community organization registered with the Bureau of Charitable Organizations of the Department of State of the Commonwealth of Pennsylvania and exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. 501 (c) (3)), and which is specifically authorized by its charter to acquire and preserve open space or historic and cultural resources, in no case shall the determination of density be used to require a density of less than one dwelling unit per four acres.

ARTICLE VII

NONCONFORMING USES, STRUCTURES, AND BUILDINGS

Section 700. STATEMENT OF INTENT

Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent 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 or structure 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, in the opinion of the Zoning Officer, been diligently carried on.

Section 701. NON-CONFORMING USES OF LAND

Lawful uses of land, which at the effective date of the original District Township Zoning Ordinance of 1971, or as a result of subsequent amendments thereto, become nonconforming, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion

No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned, leased or under option to purchase by the user of the nonconforming use at the effective date of adoption or amendment of this Ordinance.

Future expansion of a non-conforming use shall not exceed twenty-five percent (25%) of the land area occupied by the use at the time it first became a non-conforming use, except when a special exception is granted by the Zoning Hearing Board expansion may be allowed between 25% and 50%.

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

Expansion of a non-conforming use shall not exceed fifty percent (50%) of the land area occupied by the use at the time it first became a non-conforming use.

2. Discontinuance

Whenever a nonconforming use has been discontinued, and the landowner has indicated in writing to the Township his intention not to continue the use, such use shall be deemed to be abandoned and shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.

3. Changes or Moving of Use

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

4. Additional Structures or Buildings

Additional structures or buildings or building expansions erected in connection with such nonconforming use of land shall conform to the Area, Yard and Height requirements of this Ordinance.

A non-conforming use shall not be enlarged or increased in any manner which would violate or further violate the Area, Yard and Height requirements of this Ordinance.

Section 702. NON-CONFORMING STRUCTURES OR BUILDINGS

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

1. Enlargement

- a. A principal building which existed at the effective date of this Ordinance which is nonconforming as to yard requirements may have repairs, improvements, maintenance, modifications and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective

date of this Ordinance. The total floor area constructed within required yards under this provision over time shall not exceed six hundred (600) square feet and only one (1) permit shall be issued by the Township over time for construction within required Yards under this provision unless a special exception is granted by the Zoning Hearing Board.

b. Except as provided in b. above, no nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any building or structure or portion thereof may be altered to decrease its nonconformity.

c. Non-conforming signs shall not be expanded.

2. Damage or Destruction

a. Any non-conforming building or structure of which the basic structural elements, including foundation, are totally destroyed or rendered unusable by any means, in the opinion of the Building Inspector, may be rebuilt. Any subsequent building or structure shall comply with all requirements of this Ordinance. Subsequent use of the building shall comply with the use requirements of this Ordinance unless new construction shall begin within twelve (12) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.

b. A non-conforming building or structure of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed in conformity with the requirements of this Ordinance and used for the same use or a conforming use. The reconstructed portions of a building or structure need not be more conforming in any respect than the portions of the building or structure which were destroyed provided reconstruction shall begin within twelve (12) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.

c. Any non-conforming building or structure or building or structure which is destroyed to any extent shall be inspected by the Building Inspector. Any building or structure which shall be deemed unsafe by the Building Inspector shall be taken down and removed or made safe and secure as the Building Inspector may deem necessary in the public interest.

3. Demolition

A nonconforming structure or building which has not been destroyed or partially destroyed by any means which is demolished or removed by the owner, shall not be rebuilt or reconstructed to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance provided, however, if reconstruction in such a case begins within 12 months after the demolition or removal of

building or structure, and is carried to completion without any interruption which is within the control of the owner, the same nonconforming structure or a less nonconforming structure housing the same use as the original structure prior to demolition or removal may be reconstructed.

4. Moving of Structure or Building

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

5. Discontinuance

Whenever a nonconforming structure or building has been vacated for a period of twelve (12) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

Section 703. NON-CONFORMING USES OF STRUCTURES OR BUILDINGS

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become nonconforming may be continued subject to the following provisions:

1. Extension

A nonconforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed on the same lot, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located.

However, such extension of a nonconforming use shall not exceed twenty-five percent (25%) of the land area occupied by the use at the time it first became a non-conforming use, except when a special exception is granted by the Zoning Hearing Board expansion may be allowed between 25% and 50% of the gross floor area of principal buildings occupied by said nonconforming use at the time such nonconforming use became nonconforming.

A non-conforming use shall not occupy a portion of a building containing a conforming use on the effective date of this Ordinance or amendment thereto.

For residential non-conforming uses, no structural or other alterations shall be made which would increase the number of dwelling units.

2. Change of Use

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

3. Discontinuance

Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for twelve (12) months such structure or building or portion thereof shall not thereafter be used for a nonconforming use.

4. Damage or Destruction

Subsequent use of damaged or destroyed buildings shall be in accordance with subsection 702.2 above.

Section 704. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Section 705. USES UNDER SPECIAL EXCEPTION OR CONDITIONAL USE
PROVISIONS ARE NOT NON-CONFORMING USES

Any use which is permitted as a special exception or conditional use in a zoning district under the terms of this Ordinance (other than a change by special exception 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 permitted use.

Section 706. NON-CONFORMING LOTS OF RECORD

In any Zoning District permitted structures and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard, height, coverage, and open space requirements for the Zoning District in which such lot is located shall be met. Variance of yard, height, coverage, and open space requirements shall be obtained only through action of the Zoning Hearing Board.