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ORDINANCE NO. 295

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: REPEALING AND REPLACING SECTION 609 OF THE ZONING ORDINANCE, ENTITLED "LANDSCAPING;" REPEALING AND REPLACING SECTION 610 OF THE ZONING ORDINANCE, ENTITLED "LIGHTING;" REVISING SECTION 608.2 OF THE ZONING ORDINANCE CONCERNING HIGHWAY FRONTAGE DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL DISTRICTS TO CORRECT A TYPOGRAPHICAL ERROR; REVISING SECTION 300 OF THE ZONING ORDINANCE, ENTITLED "DEFINITIONS" TO FURTHER DEFINE TERMINOLOGY RELATED TO THE FOREGOING; AND REAFFIRMING AND REENACTING ORDINANCE NO. 289, ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED, TO FURTHER DEFINE AND REGULATE PERMITTED USES WITHIN THE INDUSTRIAL OFFICE PARK ("IOP") ZONING DISTRICT."

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF CAERNARVON TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION 1. ARTICLE III OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO PROVIDE FURTHER DEFINITIONS.

INVASIVE PLANT SPECIES: Plant species that are not native to Caernarvon Township; grow aggressively; spread and displace native vegetation; and may cause economic or environmental harm or harm to human health. They can be trees, shrubs, vines, grasses or flowers.

CUTOFF: A lighting fixture that has, either through its design or through separate shielding, no more than ten (10%) percent of the lumens emanating from the light source traveling higher than 10° below the horizontal plane of the bottom of the fixture.

FOOTCANDLE: A unit measuring lumens per square foot as measured by a light meter.

FULL CUTOFF: A lighting fixture where none of the lumens emanating from the light source are traveling higher than 10° below the horizontal plane of the bottom of the fixture.

GLARE: The sensation produced by lighting that causes annoyance, discomfort or loss in visual performance and visibility to the eye.

ILLUMINANCE: The quantity of light measured in footcandles.

LIGHT TRESPASS: Light emitted by a lighting installation that extends beyond the boundaries of the property on which the installation is located.

LUMEN: The light output rating of a lamp or light source.

LUMINAIRE: A complete lighting unit including the fixture housing and the light source or lamp, but not including the mounting structure or pole.

POLE: A vertical structure specifically designed for the mounting of a luminaire for use in exterior areas away from buildings.

WHOLESALE RETAIL CENTER: A retail use (i.e., membership warehouse clubs) that sells bulk merchandise primarily to the general public, but also to contractors/builders and businesses, in a store-like setting.

**SECTION 2. ARTICLE VI OF THE CAERNARVON TOWNSHIP ZONING
ORDINANCE OF 2007 IS AMENDED TO REPEAL AND
REPLACE SECTION 609, ENTITLED "LANDSCAPING."**

Section 609. Landscaping

- A. All applications for subdivisions and/or land developments shall submit a landscape plan to the Township for review and approval as part of the subdivision and land development approval process. The landscape plan shall be provided in accordance with the requirements of this section and those contained within the Caernarvon Township Subdivision and Land Development Ordinance, and shall depict all proposed plantings required to compliment, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with this section.
- B. All required Landscape Plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary land development plan submission, conditional use approval application, etc.).

(1) Plans shall be based on and reflect the following objectives:

- (a) A design which is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principal and accessory buildings and other structures.
- (b) A design which demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties.

- (c) A design which creates visual interest for the users and/or residents of the proposed project.
- (d) A design which promotes effective management of stormwater to minimize soil erosion and sedimentation and creates opportunities for infiltration to the groundwater system.
- (e) The use of plant material which is: acclimated to local conditions; located and spaced to achieve required screening, compatible groupings and other effective purposes; and not injurious of persons or pedestrians and vehicular circulation.

(2) Plans accompanying conditional use application may be conceptual in nature but shall demonstrate the ability to achieve the above objectives.

C. Landscape Buffer Strip.

- (1) For purposes of this Section, a Buffer Strip is hereby defined as a landscaped barrier or buffer of sufficient height and density to provide a visual and acoustical barrier between incompatible land uses.
- (2) The Buffer Strip width shall be as specified in the specific zoning district, but in no case less than fifteen (15) feet.
- (3) A Buffer Strip shall be provided and continually maintained by the landowner in the following cases:
 - (a) In the C-1, C-2, C-3, IOP, I-1, and I-2 Zoning Districts, property owners shall provide a screen planting along those portions of their perimeters which abut any residential district or use.
 - (b) Around the perimeter of all multifamily residential developments.
 - (c) Around the perimeter of all mobile home parks.
 - (d) As may be required elsewhere by this Ordinance or the Subdivision and Land Development Ordinance.
- (4) The Board of Supervisors may reduce the perimeter Buffer Strip requirement in the following situations:
 - (a) Where parking, access drives or other land development is permitted within 15 feet of the property line;
 - (b) Where any parcel abuts similar uses such that the Board agrees that screening is not necessary; or
 - (c) Where Applicant can demonstrate to the satisfaction of the Board that existing vegetation, structural and/or topographic conditions will conceal, on a year-round basis, development from view from adjacent tracts. A landscape plan may still be required to provide for the maintenance of such natural areas, and plants die off to the extent that the screen or buffer function is no longer fulfilled.

- D. No Buffer Strip shall be permitted in an area where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.
- E. All Buffer Strips shall be maintained and kept clean of debris and rubbish.
- F. Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover.
- G. All plant materials shall be permanently maintained, and any plant which does not live, or which grows in a manner uncharacteristic for the selected species, shall be replaced at the expense of the developer or, after the developer's eighteen-month maintenance period, at the expense of the owner of the property on which the plant is located.
- H. Plant material list. Species selection shall be based upon the existing physical and natural conditions of the site, and shall be consistent with the regulations within the Caernarvon Township, Subdivision and Land Development Ordinance.
- I. Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be left in its natural state or shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan. A replacement program for non-surviving plants should be included.
- J. All mechanical equipment not enclosed in a structure shall be fully and completely screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.
- K. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the crest of the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.
- L. Landscaping shall be required within any parking area subject to the provisions of Section M, below.
- M. Parking lot landscaping. All off-street parking areas, except those intended solely for use by individual single-family residences, shall be landscaped with trees and shrubs of varying species, in accordance with the following:
 - (1) Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate stormwater drainage problems; to replenish the groundwater table; to provide for a more attractive setting; to protect

the character and stability of residential, business, institutional, and industrial areas; and to conserve the value of land and buildings on surrounding properties and neighborhoods.

- (2) Planting areas shall be placed so as to facilitate snow removal and to provide for safe movement of traffic without interference of proper surface water drainage. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from automobiles. Bollards may be used to afford protection of trees from vehicular movement.
- (3) The interior of each parking lot shall have one three-inch caliper deciduous shade tree for every five parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen. Use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low-branching trees that will restrict visibility.
- (4) The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than 20 spaces in which the following shall apply:
 - (a) Landscaped areas at least ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary access ways, to prevent the encroachment of moving vehicles into parking areas.
 - (b) Landscaped islands at least ten (10) feet wide shall be provided between each set of two parking bays.
 - (c) Landscaped islands at the end of each parking bay shall be provided and shall be the length of two parking spaces and at least ten (10) feet in width.
 - (d) Two (2) feet of each parking stall adjacent to planting strips required in Section M(d)(1) and (2) above shall be of a permeable surface (e.g., concrete blocks filled with stone) to allow water to percolate into the ground.
- (5) Parking lots which do not conform to the criteria listed above shall be planted with the same ratio of trees to parking spaces as conventional parking lots but these may be planted in more varied configurations.
- (6) All parking lots shall be designed to provide for safe, reasonable pedestrian access. Parking lots with more than 50 spaces shall include paved pedestrian walkways. Pedestrian walkways may be located along or through landscaped islands or other landscaped areas adjacent to the parking lot.

N. Criteria for selection of plant material.

- (1) Species selected by the Applicant shall reflect careful consideration of the following:
 - (a) Existing and proposed site conditions and their suitabilities for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
 - (b) Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
 - (c) Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
- (2) Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), Applicant is urged to conform to the requirements of this Section through the use of nursery grown native trees and shrubs. A Suggested Plant List is included in Section P.
- (3) Species for shade trees, including street trees, shall be selected with particular emphasis on hardiness, growing habit for pedestrian and vehicle passage, minimal need for maintenance, and compatibility with other features of the site and surrounding environs.
- (4) For the purposes of promoting disease protection, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the Applicant is encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted.
- (5) Invasive Plant Species, as defined herein or as determined and published by the Pennsylvania Department of Conservation and Natural Resources ("DCNR"), as of the effective date of this Ordinance, are strictly prohibited. The DCNR list in effect at time of enactment is attached hereto, incorporated herein and marked as Exhibit "A" to this Ordinance.

O. Site maintenance and guarantee.

- (1) All landscape improvements to be provided in accordance with this Section, shall be installed and maintained by accepted practices as recognized by the American Association of Nurseryman. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily be limited to, provisions for surface mulch,

guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.

- (2) Applicant shall make arrangements acceptable to the Township that all landscape improvements installed in accordance with this Chapter shall be guaranteed and maintained in a healthy and/or sound condition, or otherwise be replaced once by equivalent improvements, for a period of at least 18 months. After installation and prior to Township acceptance of the site improvements, representatives of the Township shall perform an inspection of the finished site for compliance with approved landscape plan(s).
- (3) Installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with Article VII of the Subdivision and Land Development Ordinance. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. At the Township's discretion, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the eighteen-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen vegetation damaged during construction. At its sole discretion, the Township may remedy failure to complete installation or to maintain required landscape improvements in accordance with the provisions of Article VII of the Subdivision and Land Development Ordinance.

P. Suggested plant list (not an exclusive list).

Small Trees and Shrubs

Shadbush/Serviceberry
Flowering dogwood
Washington hawthorn
Sourwood
Arrowwood
Blackhaw
Ironwood
Redbud
Winterberry
Highbush blueberry

Evergreen Trees and Shrubs

Eastern red cedar
White Pine
Rhododendron

Shade Trees

Red Maple

Sugar Maple

White Ash

Green Ash

Sycamore

White oak

Northern red oak

Scarlet oak

Pin oak

Shagbark hickory

Northern Catalpa

Tulip poplar

Black cherry

American basswood

American beech

**SECTION 3. ARTICLE VI OF THE CAERNARVON TOWNSHIP ZONING
ORDINANCE OF 2007 IS AMENDED TO REPEAL AND
REPLACE SECTION 610, ENTITLED "LIGHTING."**

Section 610. Lighting

A. APPLICABILITY.

This Ordinance shall be applicable to uses that are proposed to operate during hours of darkness where there is public assembly or traverse. Lighting facilities shall be required for all off-street parking areas and off-street loading areas, and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, retail, personal service, industrial, multi-family, recreational, institutional and public uses, and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In addition, the provisions of this section shall apply to signs, architectural lighting, and landscape lighting.

B. PURPOSE.

The purpose of this section is to require and set minimum standards for outdoor lighting to:

- (1) Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.

- (2) Protect drivers and pedestrians from the glare of nonvehicular light sources that shine into their eyes and thereby impair safe traverse.
- (3) Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.

C. LIGHTING CRITERIA.

During the plan review process, an Applicant shall demonstrate compliance with the provisions of this Ordinance through the preparation of a lighting plan which shall be prepared and submitted in accordance with the following criteria:

- (1). A lighting plan shall be submitted for review and approval for all applications and uses that require exterior lighting.
- (2). The lighting plan shall include a schematic layout of all proposed exterior fixture locations, footcandle data, and a plat demonstrating intensities and uniformities within the limitations established with this Ordinance. The Applicant shall also provide the manufacturer's description of the equipment (catalog cuts), glare control devices, lamps or light sources, mounting heights, and proposed hours of operation of the lighting. Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.
- (3). The Applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.
- (4). The following design standards and illumination specifications:
 - (a) Lighting facilities located within off-street parking areas and loading areas for all uses and developments requiring exterior lighting, or in connection with signs and recreational and institutional activities, shall provide an illumination level utilizing using the chart below. The list is not all-inclusive, but provides the requirements for most common applications:

USE	Maintained Footcandles	Uniformity
Streets – non-residential	0.9 Average	6:1 Avg:Min
Streets – residential	0.4 Average	6:1 Avg:Min
Parking – Multi-family residential	0.8 Average	4:1 Avg:Min
Parking – Non-residential <ul style="list-style-type: none"> • High Activity – shopping centers, restaurants, athletic 	0.9 Minimum	4:1 Avg:Min

facilities, entertainment facilities		
<ul style="list-style-type: none"> • Medium Activity - single mercantile buildings, convenience stores, office facilities, hospitals / medical facilities, commuter lots 	0.6 Minimum	4:1 Avg:Min
<ul style="list-style-type: none"> • Low Activity - industrial facilities, public/private schools, churches, recreational facilities/municipal parks 	0.2 Minimum	4:1 Avg:Min
Fueling Stations	20 Avg/ 30 Max	4:1 Avg:Min
Car Dealerships	20 Avg/ 30 Max	5:1 Avg:Min
Public Sidewalks	0.5 Average	5:1 Avg:Min
Commercial Building Entrances	5.0 Average	N/A

NOTES:

Illumination levels are maintained horizontal footcandles on the task (e.g., pavement or area surface).

Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio [e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4)] The maximum to minimum ratio for parking areas shall not exceed 20:1 Max:Min.

If a particular use or facility is not listed above, the Township will determine which category applies to the proposed facility based upon a similar use or facility listed above.

- (b) For all applications, the Township may impose a more stringent lighting standard or additional lighting controls (requiring less illumination) as a condition of any such approval when it determines the same to be necessary to protect adjoining properties or streets from light pollution and/or glare, or to protect the public health, safety and welfare.
 - (c) As part of any application, the Township may consider alternative design methods and specifications, provide that such alternative meet the purpose statement and community development objectives of this Ordinance.
 - (d) In no case shall illumination exceed 0.1 foot-candle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 foot-candle, unless a more stringent standard is ordered by the Township.
- (5). The following general design standards, illumination specifications, installation provisions and maintenance requirements shall apply for exterior lighting for residential and/or nonresidential uses:

- (a) Lamp types and colors shall be in harmony within the adjacent community, any special circumstances existing on the site, and with surrounding lighting facilities. Lamp types and colors shall be consistent and shall not create a mix of colors.
- (b) Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop-lens fixtures shall be prohibited. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Outdoor canopies include, but are not limited to, the following applications:
 - fuel island
 - canopies associated with service stations and convenience stores
 - exterior canopies above storefronts, mini-malls, shopping centers and shopping malls
 - exterior canopies above driveways and building entrances
 - soffits
 - pavilions
 - gazebos
- (c) With the exception of security lighting, all exterior lighting for any commercial, industrial, institutional and recreational use shall be reduced by fifty (50) percent between the hours of 12:00 a.m. (midnight) and 6:00 a.m. Security lighting shall only be considered to illuminate specified areas between building and off-street parking area, as considered necessary and appropriate by the Township.
- (d) All new lighting fixtures shall meet full cutoff criteria. No lighting shall be permitted which shines directly into residential units, or results in glare beyond an angle of thirty (30) degrees from a vertical plane, measured from the light source.
- (e) Light fixtures, including mounting base, shall not exceed twenty-five (25) feet in height above finished grade unless the applicant can demonstrate to the satisfaction of the Township that higher pole mounting is required and will not provide nuisance light sources to any residential areas or facilities that can view the fixtures. The Applicant shall consider the spacing and height of the lighting standards as well as the intensity of the illumination to disperse the desired lighting in a uniform manner within the off-street parking area.
- (f) All lighting sources shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private streets and neighboring properties from direct-glare light radiation, or light pollution which may create a safety hazard or a nuisance.
- (g) The use of vegetation, fences and similar screening methods may be utilized to supplement glare or cutoff control devices.
- (h) Fixtures used for architectural lighting, such as façade, feature and landscape lighting, shall be directed so as to preclude light projection beyond the immediate objects, which are intended to be illuminated as an architectural feature.

- (i) Within the non-residential zoning districts (C-1, C-2, C-3, IOP, I-1, I-2 and EAP), the use of floodlighting, spotlighting, or other high-intensity lighting over one hundred (100) watts shall be located, directed and aimed in a manner so that it does not produce light trespass in excess of 0.1 foot-candle at the lot line of any adjacent property line. All such lighting fixtures shall be installed, directed and aimed so that they do not project their output into windows of neighboring residences, adjacent uses, skyward or Public Street. All such lighting shall be reduced by fifty (50) percent between the hours of 12:00 a.m. (midnight) and 6:00 a.m. Lighting for commercial, industrial, and institutional uses shall be controlled by automatic switching devices, such as time clocks, to permit the reduction of exterior lighting in order to mitigate nuisance glare and sky lighting consequences.
 - (j) Electrical feeds to all lighting standards shall be installed underground, not overhead.
 - (k) The lighting support structures and poles utilized to illuminate an off-street parking area or loading area shall be placed a minimum of five (5) feet from the curb stops or curb line, or placed on a concrete pedestal at least thirty (30) inches above the surface of the pavement.
 - (l) The Applicant or landowner shall be responsible for the replacement of any damaged or non-functional lighting standards, bulbs, light shields or cutoff fixtures, lens, timing devices, electrical components and/or other lighting feature.
 - (m) The applicant or property owner shall install all required lighting fixtures and facilities at his expense. Light fixtures and poles shall be in accordance with a lighting plan approved by the Township, as part of the application for subdivision, land development conditional use, special exception and/or building permit.
 - (n) The Applicant or property owner shall be responsible for all costs involved in the maintenance, upkeep and operation of all required lighting facilities.
- (6). For Agricultural Uses the following criteria shall apply:
- (a) No lighting shall be permitted that shines directly onto an adjacent residence.
 - (b) No lighting shall be permitted that creates a hazard by shining unto a public right-of-way.
 - (c) Floodlights and other directional light fixtures visible from an adjacent residential use shall be extinguished no later than 12:00 a.m. (midnight) or shall be controlled by a motion sensor.
- (7). For Outdoor Athletic Stadiums or Complexes the following criteria shall apply:
- (a) No lighting poles shall be higher than 150' without express approval of the Board of Supervisors. Applicant must demonstrate the reason for the poles to be higher and provide sufficient documentation to the Board of Supervisors to support such a decision.

- (b) Lighting shall be extinguished no later than 11:00 p.m., except for existing, nonconforming uses (e.g., regular events and regularly scheduled special events) in which case the use shall be permitted to utilize lighting in the same manner and at the same times as before the enactment of this Ordinance.
- (8). Signs and Billboards
- (a) Illuminated signs, other than electronic, changeable signs and billboards, shall have an internal lighting source, an external indirect lighting source or and external shielded source. Billboards and externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed down toward the ground. Uplighting of signs is not permitted.
 - (b) The maximum initial illumination of the vertical face of the sign or billboard shall be 30 footcandles. The maximum lamp rating for internally illuminated signs shall not exceed 1000 lumens.
 - (c) Rotating, flashing, pulsing, marching or oscillating light sources, lasers, beacons or strobe lighting are not permitted.
 - (d) Electronic and/or LED signs: Applicant shall comply with the Township's Sign Ordinance, Section 611(k) of the Zoning Ordinance with regard to operational requirements of the sign. Electronic and/or LED signs shall not exceed a luminance level of 340cd/m².
- (9). The Township reserves the right to conduct a post installation nighttime inspection to verify compliance with the requirements of this Ordinance. If it is determined that any lighting source or installation creates a safety or personal security hazard due to insufficient illumination levels or produces unacceptable levels of nuisance glare, light pollution, or skyward light, the property owner shall be so notified and required to take timely remedial action at his expense to resolve the problem. If the appropriate remedial or corrective action has not been completed within thirty (30) days of notification, the property owner shall be issued an enforcement notice and shall be subject to the penalty provisions specified by the Township.
- (10). The Township may consider optional design and site development alternatives if the standard requirements are determined to be unwarranted or inappropriate based upon the existing site conditions. If approved, the optional design and site requirements shall be considered as part of the zoning permit, subdivision or land development plan.
- (11). Nonconforming Lighting: Any lighting system or fixture legally installed prior to the adoption of this Ordinance which does not comply with the requirements of this Ordinance shall be deemed an existing nonconforming installation. Nonconforming lighting systems are to be maintained kept operational in their existing format. However, any expansions, alterations or replacements of these systems must comply with the requirements of this Ordinance.

D. PLAN / PERMIT SUBMISSIONS

For the installation of new exterior lighting in conjunction with a new land development plan, the lighting plans shall be submitted as part of the plan set for review and approval by the

Township's Board of Supervisors, upon review and recommendation by the Township's Planning Commission. The plans shall comply with the requirements of this Ordinance.

For the installation of new exterior lighting at an existing developed site or for the redesign / replacement of an existing exterior lighting system, the Applicant shall prepare a plan as noted in Section B(2) of this Ordinance. The plan will be reviewed by the Township as part of the approval process for an Electrical Permit. The plan shall comply with the requirements of this Ordinance.

SECTION 4. ARTICLE VI OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO REVISE SECTION 608, ENTITLED "HIGHWAY FRONTAGE DEVELOPMENT IN COMERICAL AND INDUSTRIAL DISTRICTS."

A. Section 608, entitled "Highway Frontage Development in Commercial and Industrial Districts," shall be revised as follows:

Section 608.2 Each use with less than 100 feet of frontage on a public street shall have no more than one accessway to each such street. Each use with 100 feet or more frontage on a public street shall have no more than two (2) 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 or from an arterial street or major collector.

All other Provisions within Section 608 shall remain in full force and effect.

SECTION 5. REAFFIRMATION AND REENACTMENT OF ORDINANCE NO. 289, ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED, TO FURTHER DEFINE AND REGULATE PERMITTED USES WITHIN THE INDUSTRIAL OFFICE PARK ("IOP") ZONING DISTRICT."

Ordinance No. 289, enacted on November 28, 2017 in form and substance attached hereto, incorporated herein, and marked as Exhibit "B," is hereby re-affirmed and re-enacted.

SECTION 6. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The Board of Supervisors hereby declares that it would have adopted the Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence,

clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 7. REPEALER

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

SECTION 8. RENUMBERING

The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers who may renumber or reorder these revised sections as is necessary.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective five (5) days from the date of enactment, and shall be codified into the Caernarvon Township Code of Ordinances.

ORDAINED and **ENACTED** by the Supervisors of the Caernarvon Township in lawful session duly assembled this 24th day of July, 2018.

**BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

By: _____

Allen Styer, III, Chairman

ATTEST:

By: _____

Township Secretary

This a true and correct copy of
Ordinance # 295 that was
adopted by the Caernarvon
Township Board of Supervisors on
July 24, 2018

Township Secretary

EXHIBIT “A”

DCNR Invasive Plant List

DCNR defines invasive plants as those species that are not native to the state, grow aggressively, and spread and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate whole habitats, making them environmentally destructive in certain situations. Not all non-native plants become invasive. In fact, very few actually do. The plants listed here have been determined by DCNR to be invasive on State Forest and State Park lands and may act aggressively in other parts of Pennsylvania. Some of the species listed below are only invasive in certain environmental conditions and there may be cases where they may be used with little environmental risk. This list was compiled through coordinated efforts between ecologists in Pennsylvania and other natural resource partners. New species cross state borders and some plants that have been here for decades may suddenly become invasive due to changing land uses, changes in weather or climate, or genetic reasons, so this list may change over time and will be updated periodically. **This list is not regulatory.** It is used to guide the management efforts of DCNR lands because of knowledge that these species can become invasive under the right environmental conditions. To learn more about invasive plants in Pennsylvania and how they can be controlled, visit www.dcnr.state.pa.us/forestry/plants/invasiveplants/index.htm.

Invasive plant species have been ranked in terms of the threat they pose to native plant communities. Each rank is defined below:

Rank 1- Severe Threat. Exotic plant species that possess characteristics of invasive species and spread easily into native plant communities and displace native vegetation. Includes species that are or could become widespread in Pennsylvania.

Rank 2- Significant Threat. Exotic plant species that possess characteristics of invasive species but are not presently considered to spread as easily and aggressively into native plant communities as those species listed as Rank 1.

Rank 3- Lesser Threat. Exotic plant species that spread in or near disturbed areas, and are not presently considered a major threat to undisturbed native plant communities.

Watch List- Exotic plant species that are severe problems in surrounding states but have not been widely reported in Pennsylvania, OR may naturalize and become a problem in the future and require more monitoring.

Vines

Scientific Name	Common Name	Rank
<i>Ampelopsis glandulosa</i>	Porcelain Berry	1
<i>Celastrus orbiculatus</i>	Oriental Bittersweet	1
<i>Humulus japonicus</i>	Japanese Hops	1
<i>Lonicera japonica</i>	Japanese Honeysuckle	1
<i>Persicaria perfoliata</i>	Mile-a-Minute	1
<i>Pueraria montana</i> var. <i>lobata</i>	Kudzu	1
<i>Vincetoxicum nigrum</i>	Black Swallow-Wort	1
<i>Vincetoxicum rossicum</i>	Pale Swallow-Wort	1
<i>Euonymus fortunei</i>	Wintercreeper	2
<i>Wisteria floribunda</i>	Japanese Wisteria	2
<i>Wisteria sinensis</i>	Chinese Wisteria	2
<i>Hedera helix</i>	English Ivy	3
<i>Vinca major</i>	Bigleaf Periwinkle	3
<i>Vinca minor</i>	Common Periwinkle	3
<i>Akebia quinata</i>	Chocolate Vine	Watch
<i>Clematis terniflora</i>	Japanese Clematis	Watch
<i>Dioscorea polystachya</i>	Chinese Yam	Watch

Herbs and Forbs

Scientific Name	Common Name	Rank
<i>Alliaria petiolata</i>	Garlic Mustard	1
<i>Conium maculatum</i>	Poison Hemlock	1
<i>Fallopia japonica</i>	Japanese Knotweed	1
<i>Fallopia sachalinensis</i>	Giant Knotweed	1
<i>Fallopia X bohemica</i>	Hybrid Knotweed	1
<i>Ficaria verna</i>	Lesser Celandine	1
<i>Galega officinalis</i>	Goatsrue	1
<i>Heracleum mantegazzianum</i>	Giant Hogweed	1
<i>Lythrum salicaria</i>	Purple Loosestrife	1
<i>Centaurea jacea</i>	Brown Knapweed	2
<i>Centaurea nigra</i>	Black Knapweed	2
<i>Centaurea stoebe</i>	Spotted Knapweed	2
<i>Chelidonium majus</i>	Greater Celandine	2
<i>Cirsium arvense</i>	Canada Thistle	2
<i>Cirsium vulgare</i>	Bull Thistle	2
<i>Hesperis matronalis</i>	Dames Rocket	2
<i>Iris pseudacorus</i>	Yellow Flag Iris	2
<i>Lespedeza bicolor</i>	Shrubby Bushclover	2
<i>Lespedeza cuneata</i>	Chinese Bushclover	2
<i>Pastinaca sativa</i>	Wild Parsnip	2
<i>Perilla frutescens</i>	Beefsteak Plant	2
<i>Rubus phoenicolasius</i>	Wineberry	2
<i>Securigera varia</i>	Crown-vetch	2
<i>Aegopodium podagraria</i>	Goutweed	3
<i>Anthriscus sylvestris</i>	Wild Chervil	3
<i>Artemisia vulgaris</i>	Mugwort	3
<i>Butomus umbellatus</i>	Flowering Rush	3
<i>Cardamine impatiens</i>	Narrowleaf Bittercress	3
<i>Carduus acanthoides</i>	Spiny Plumeless Thistle	3
<i>Carduus nutans</i>	Musk Thistle	3
<i>Datura stramonium</i>	Jimsonweed	3
<i>Epilobium hirsutum</i>	Hairy Willow Herb	3
<i>Epilobium parviflorum</i>	Smallflower Hairy Willow-Herb	3
<i>Hemerocallis fulva</i>	Orange Day-Lily	3
<i>Lysimachia nummularia</i>	Moneywort	3
<i>Pachysandra terminalis</i>	Japanese Pachysandra	3
<i>Persicaria longiseta</i>	Bristled Knotweed	3
<i>Stellaria media</i>	Common Chickweed	3
<i>Amaranthus palmeri</i>	Palmer Amaranth	Watch

Trees

Scientific Name	Common Name	Rank
<i>Ailanthus altissima</i>	Tree-of-Heaven	1
<i>Aralia elata</i>	Japanese Angelica Tree	1
<i>Acer platanoides</i>	Norway Maple	2
<i>Albizia julibrissin</i>	Mimosa	2
<i>Alnus glutinosa</i>	European Black Alder	2
<i>Paulownia tomentosa</i>	Empress Tree	2
<i>Phellodendron amurense</i>	Amur Corktree	2
<i>Phellodendron japonicum</i>	Japanese Corktree	2
<i>Phellodendron lavallei</i>	Lavella Corktree	2
<i>Pyrus calleryana</i>	Callery Pear	2
<i>Tetradium daniellii</i>	Bee-Bee Tree	2
<i>Broussonetia papyrifera</i>	Paper Mulberry	3
<i>Morus alba</i>	White Mulberry	3
<i>Acer ginnala</i>	Amur Maple	Watch
<i>Acer palmatum</i>	Japanese Maple	Watch
<i>Koelreuteria paniculata</i>	Golden Rain-Tree	Watch
<i>Quercus acutissima</i>	Sawtooth Oak	Watch
<i>Ulmus pumila</i>	Siberian Elm	Watch

Grasses

Scientific Name	Common Name	Rank
<i>Microstegium vimineum</i>	Japanese Stiltgrass	1
<i>Oplismenus hirtellus</i>	Wavyleaf Basketgrass	1
<i>Phragmites australis ssp australis</i>	Common Reed	1
<i>Trapa natans</i>	European Water Chestnut	1
<i>Arthraxon hispidus</i>	Small carpetgrass	2
<i>Phalaris arundinacea</i>	Reed Canary Grass	2
<i>Phyllostachys aurea</i>	Golden Bamboo	2
<i>Phyllostachys aureosulcata</i>	Yellow Groove Bamboo	2
<i>Phyllostachys bambusoides</i>	Giant Timber Bamboo	2
<i>Poa trivialis</i>	Rough Bluegrass	2
<i>Bromus japonicus</i>	Japanese brome	3
<i>Bromus sterilis</i>	Poverty Brome	3
<i>Bromus tectorum</i>	Cheatgrass	3
<i>Holcus lanatus</i>	Velvetgrass	3
<i>Miscanthus sinensis</i>	Chinese Silvergrass	3
<i>Schedonorus arundinaceus</i>	Tall Fescue	3
<i>Sorghum bicolor ssp. x. drummondii</i>	Shattercane	3
<i>Sorghum halepense</i>	Johnson Grass	Watch
<i>Arundo donax</i>	Giant Reed	Watch
<i>Imperata cylindrica</i>	Cogon Grass	Watch
<i>Tripsidium ravennae</i>	Ravenna Grass	Watch

Shrubs

Scientific Name	Common Name	Rank
<i>Berberis thunbergii</i>	Japanese Barberry	1
<i>Berberis vulgaris</i>	European Barberry	1
<i>Frangula alnus</i>	Glossy Buckthorn	1
<i>Lonicera fragrantissima</i>	Sweet Breath Honeysuckle	1
<i>Lonicera maackii</i>	Amur Honeysuckle	1
<i>Lonicera morrowii</i>	Morrow's Honeysuckle	1
<i>Lonicera morrowii</i> x <i>bella</i>	Beautiful Honeysuckle	1
<i>Lonicera standishii</i>	Standish Honeysuckle	1
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	1
<i>Rhamnus cathartica</i>	Common Buckthorn	1
<i>Rhodotypos scandens</i>	Jetbead	1
<i>Rosa multiflora</i>	Multiflora Rose	1
<i>Spiraea japonica</i>	Japanese Spiraea	1
<i>Buddleja davidii</i>	Butterfly Bush	2
<i>Elaeagnus angustifolia</i>	Russian Olive	2
<i>Elaeagnus umbellata</i>	Autumn Olive	2
<i>Euonymus alatus</i>	Winged Euonymus	2
<i>Ligustrum japonicum</i>	Japanese Privet	2
<i>Ligustrum obtusifolium</i>	Border Privet	2
<i>Ligustrum sinense</i>	Chinese Privet	2
<i>Ligustrum vulgare</i>	Common Privet	2
<i>Viburnum dilatatum</i>	Linden Viburnum	2
<i>Viburnum plicatum</i>	Doublefile Viburnum	2
<i>Viburnum sieboldii</i>	Siebold Viburnum	2
<i>Viburnum opulus</i>	Guelder Rose	3

Aquatic

Scientific Name	Common Name	Rank
<i>Hydrilla verticillata</i>	Hydrilla	1
<i>Myriophyllum aquaticum</i>	Parrot feather watermilfoil	1
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil	1
<i>Potamogeton crispus</i>	Curly Pondweed	1
<i>Typha angustifolia</i>	Narrow-Leaved Cattail	1
<i>Typha</i> x <i>glauca</i>	Hybrid Cattail	1
<i>Cabomba caroliniana</i>	Carolina Fanwort	3
<i>Egeria densa</i>	Brazilian Water-Weed	3
<i>Najas minor</i>	Brittle Waterlily	3
<i>Nitellopsis obtusa</i>	Starry Stonewort	3
<i>Hydrocharis morsus-ranae</i>	Common Frogbit	Watch
<i>Ludwigia grandiflora</i> ssp. <i>Hexapetala</i>	Large Flower Primrose Willow High	Watch
<i>Nymphoides peltata</i>	Yellow Floatingheart	Watch

EXHIBIT “B”

ORDINANCE NO. 289

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA: TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED, TO FURTHER DEFINE AND REGULATE PERMITTED USES WITHIN THE INDUSTRIAL OFFICE PARK ("IOP") ZONING DISTRICT.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF CAERNARVON TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION 1. ARTICLE V OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO FURTHER REGULATE PERMITTED USES WITHIN THE INDUSTRIAL OFFICE PARK ("IOP") DISTRICT AS FOLLOWS:

Section 579. IOP Industrial Office Park District

Section 579(b) of the Zoning Ordinance, entitled "Uses Permitted by Right" shall be amended as follows:

- (13) Retail establishments, inclusive of wholesale retail centers, for the sale of dry goods, general merchandise, food, drugs, household supplies, jewelry, books, or garden center.

- (19) Retail sale of building materials.

All other uses identified in this Section shall remain unchanged.

**SECTION 2. ARTICLE III OF THE CAERNARVON TOWNSHIP ZONING
ORDINANCE OF 2007 IS AMENDED TO PROVIDE FURTHER
DEFINITIONS AS FOLLOWS:**

Section 300. Definitions

The following term shall be defined as follows:

Retail: The sale of goods to end users, not for resale, but for use and consumption by the purchaser. Retail involves the sale of merchandise from a single point of purchase on-site directly to a customer who intends to use that product. This term shall not include an adult entertainment business use.

All other terms defined in this Section shall remain unchanged.

SECTION 3. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The Board of Supervisors hereby declares that it would have adopted the Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 4. REPEALER

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

SECTION 5. RENUMBERING

The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers who may renumber or reorder these revised sections as is necessary.


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SECTION 6. EFFECTIVE DATE

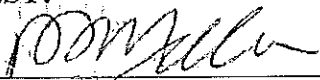
This Ordinance shall become effective five (5) days from the date of enactment, and shall be codified into the Caernarvon Township Code of Ordinances.

ORDAINED and **ENACTED** by the Supervisors of the Caernarvon Township in lawful session duly assembled this 28th day of November, 2017.

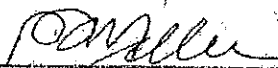
**BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

By: 
Allen Styer, III, Chairman

ATTEST:

By: 
Township Secretary

This a true and correct copy of
Ordinance # 289 that was
adopted by the Caernarvon
Township Board of Supervisors on
28 November 2017


Township Secretary