

CAERNARVON
TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

ZONING
ORDINANCE

**ORDINANCE NO. 239
2007**

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TOWNSHIP OF CAERNARVON ZONING ORDINANCE

This is an Ordinance regulating the location, construction, alteration and removal of structures; and, regulating the use of land. Zoning districts, with their applicable regulations, and general regulations are created to accomplish these purposes. Provisions are made for the amendment, enforcement, and administration of these zoning regulations.

ARTICLE I
TITLE AND PURPOSE

Section 100. TITLE

This ordinance shall be known as, and may be cited as, "The Caernarvon Township Zoning Ordinance of 2007".

Section 101. PURPOSE

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

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

1. To provide for areas for a variety of residential uses, including single-family detached homes, two family homes and multiple family homes.
2. To limit strip commercial development within the Township, encouraging the development of concentrated commercial areas near residential areas.
3. To provide areas for industrial development which will be sufficiently large to permit a variety of industrial establishments.
4. To encourage each land use to locate in those areas which are most suitable for that particular land use.

5. To discourage development in those areas not suitable for development; such as: flood plains, steep slopes and areas of high water table.
6. To encourage a pattern of orderly growth and compactness of development to facilitate the economical provision of utilities and services.
7. To encourage residential development in areas which may feasibly be provided with public sewer and water systems in the future.
8. To encourage residential development near existing or planned community facilities and commercial areas, when possible.
9. To discourage development in areas not suitable for on-site sewage disposal and which are not feasible to sewer in the near future.
10. To encourage the preservation of natural amenities; such as streams, stream valleys and wooded areas.
11. To encourage the preservation of the best farm land within the Township.
12. To preserve the quality of existing residential and commercial areas within the Township.
13. To assure the quality of future development which occurs within the Township by adopting subdivision regulations and providing adequate area , yard, height, and use regulations, performance standards and general regulations within the Township Zoning Ordinance.
14. To encourage the provision of a variety of recreational resources which will be available to all the residents of the Township.

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, morals and general welfare of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

In interpreting the language of the Zoning Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted where doubt exists as to the intended meaning of the language written and enacted by the governing body in favor of the property owner and against any implied extension of the restriction.

Section 201. APPLICATION

The regulations of this Ordinance shall apply to all structures, buildings, land uses and signs in the Township.

ARTICLE III
DEFINITIONS

Section 300. GENERAL

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

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

Accessory Use: A subordinate use of a portion of the lot which is customarily incidental to the main or principal use of the land or of a building on the lot.

Adult Entertainment Business: A theater, place of amusement or store specializing in adult products, including a store commonly referred to as an adult bookstore, where sexually explicit materials are available for sale, lease, display or exhibition, or where sexually explicit displays, shows, or activities occur for entertainment.

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

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

Apartment Building: A building on a single lot designed for the occupancy as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Apartment Unit: A dwelling unit within an apartment building.

Approved Private Street: A legally established right-of-way which provides the primary vehicular access to a lot and which has not been dedicated or deeded to the Township of Caernarvon.

Aquaculture: The cultivation of freshwater and marine plants and animals. Basic aquaculture enterprises include food fish production, fee fishing and ornamental fish production.

Area Designation Line: A line drawn on the plan of the proposed development designating the limits of various uses, as permitted by this Ordinance, drawn for the purpose of area and density computations.

Arterial Road: Arterial roads are indicated on a highway classification map that shall be maintained by the Township Zoning Officer and the Township Planning Commission.

Basement: A story partly underground having one-half or more of its height below the average level of the adjoining ground.

Bed and Breakfast: A premises that provides overnight guest accommodations including daily breakfast.

Buffer Strip: A continuous strip of landscaped land that is clear of all buildings and parking areas.

Building: A combination of materials to form a permanent enclosed structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings 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 Setback Line: The line parallel to, and set back from, a street line. No building is permitted between the street line and the building setback line.

Cartway: The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cell Site: A geographic area or zone surrounding a transmitter in a cellular telephone system.

Child Day Care Center: A facility in which care is provided for seven or more children, at any one time, with full time adult supervision where the child care areas are not being used as a family residence.

Cluster Development: A contiguous area of land, developed for residential purposes, the development of which is not required to meet the minimum lot size requirements of the particular zoning districts in which it is located, nor the yard requirements, but which must provide for common open space for the use and enjoyment of the residents of the development.

Co-location: The location of one or more communication antennas on one communications tower, building, public utility's transmission tower or other structures.

Common Open Space: A parcel or parcels of land or a combination of land and water within a Planned Residential Development and/or Cluster Development and designed and intended for the use or enjoyment of residents of the Planned Residential Development and/or Cluster Development, not including streets, off-street parking areas, wetlands, flood plains, permanent drainage easements, area having slopes in excess of twenty-five (25) percent and areas set aside for public facilities. Common Open Space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for recreational use by residents.

The buildings, structures, and improvements which are permitted in the Common Open Space must be appropriate to the uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas.

Communications Tower: A Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan: The Caernarvon Township Comprehensive Plan.

Corner Lot: A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of a single street (an interior angle of less than 135 degrees and a radius line of less than 100 feet).

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density: The total number of dwelling units per acre, computed by dividing the number of units proposed by the number of acres proposed for development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging, drilling operations; storage of equipment or materials; and the subdivision of land.

Development Plan: A proposal for the development of a Planned Residential Development, prepared in accordance with the provisions of this Ordinance, including but not limited to a subdivision plan showing and or identifying all covenants related to use, location and bulk of buildings and other structures, intensity of use, or density of development, streets, driveways and parking facilities, Common Open Space, and public facilities. The phrase "provision of the development

plan" when used in this Ordinance shall mean both the written and graphic material presented and approved as part of the Planned Residential Development.

Development in Stages: A construction program extending over the period of development during which the annual number of dwelling units and mandatory improvements required by this Ordinance are completed.

Directional Sign: A sign containing directional information about public places owned or operated by Federal, State or Local governments or their agencies; publicly or privately owned natural phenomena; historic, cultural, scientific, educational, and religious sites; and, areas of natural scenic beauty or naturally suited for outdoor recreation.

Dwelling: A building or portion thereof used for habitation by a family (such uses as hospitals, hotels, motels, boarding/rooming/lodging houses, and institutional residences are not included in the definition of dwelling).

Dwelling Unit: One or more sleeping and/or living rooms arranged for use by one or more individuals living as a single housekeeping unit.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Building, excluding Communications Towers and Communications Antennas, as defined herein.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FAA: Federal Aviation Administration.

Family: Any number of persons living and cooking together as a single housekeeping unit.

Family Day Care Home: Any premise, other than the child's own home, operated by a resident of the dwelling unit for profit or not for profit, in which child day care is provided at any one time to up to six children, who are not relatives of the caregiver where the child care areas are being used as a family residence.

Farm: An area of land used for agriculture. (See "Agriculture")

Farm Dwelling: A single-family detached dwelling intended or designed to be occupied exclusively as a residence for one family who are either owners, tenants or employed by the owner or tenant of land whose primary use is agriculture.

Farm Related Business: A business substantially devoted to serving agricultural-based customers which can be conducted on a property which is primarily used for agriculture. Said businesses must be clearly farm related and/or clearly designed to provide goods and services to the agricultural community.

Farm Related Occupations: An occupation that is clearly ancillary to the primary agricultural use of the property. This occupation will provide supplemental income to the person or persons involved in this agricultural occupation.

FCC: Federal Communications Commission.

Flood: A temporary inundation of normally dry land areas.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures and their contents.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area: The sum of the gross horizontal areas of every floor of a building, including basement space devoted to residential, commercial, or industrial use; and, roofed porches, breezeways, roofed garages, carports, and other accessory buildings.

Floor Area Ratio: The floor area in square feet of all buildings on a lot divided by the area of a lot in square feet.

Free Standing Sign: An independently supported sign, not attached to any building or structure.

Front Lot Line: The line separating a lot from a street or other right-of-way.

Front Yard: The required open space between the street line and the principal building on a lot, extending the full width of the lot.

General Agriculture: An activity shall be considered general agriculture provided the number of animal units is a maximum of 0.5 units per acre on parcels equal to or less than 5 contiguous acres, the number of animal units is a maximum of 1.0 units per acre on parcels greater than 5 contiguous acres, but less than twenty-five (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.

Group Day Care Home: A facility operated by a resident of the dwelling unit in which care is provided for more than six but less than twelve children, at any one time, where the child care areas are being used as a family residence.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Highway Access Point: The location or place of egress from, or access to, a street or highway created by a driveway, minor street, or another highway.

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

Historic Structure: Any structure that is:

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

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior as a registered historic district;
- c. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of Interior in states without approved programs.

Home Occupation: A use customarily conducted entirely within a dwelling unit which is clearly incidental and secondary to the use of the dwelling and which does not change the character, theme of, or have any exterior evidence of such secondary use other than a sign. Such use shall meet the home occupation regulations of this Ordinance.

Identified Flood Plain Area: The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Improvement: Any type of structure; excavation; or paved section, excluding driveway or curb; planting strip; or barrier to unchanneled motor vehicle entrance and exit in commercial and industrial districts.

Improvement Setback Line: A line parallel to, and set back from, a street line. No improvements are permitted between the street line and the improvement line.

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.

Junk Yard: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and 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 for the sale of parts thereof.

Kennel: Any structure or premises in which more than four (4) dogs more than six (6) months old are housed, groomed, bred, boarded, or trained for commercial purposes. Kennels are subject to the standards of Section 634 of this Ordinance.

Land Development: Any of the following activities:

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

- b. A subdivision of land

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

Local Access Road: Local access roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

Lot: A parcel of land occupied by one or more principal buildings and accessory buildings, including the open spaces required under this Ordinance. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

Lot Line: A line forming the front, rear, and side boundary of a lot.

Lot Size: The area of a lot.

Lot Width: The distance measured between side property lines at the required Building Setback Line, as required for the particular zoning district in which the property is located, and parallel to the right-of-way. However, in no event shall the Lot Width be less than one-half of the required lot width at any point within the property.

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the application non-elevation design requirements of this Ordinance.

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

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine

maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, containing 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, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Multi-family Detached Dwelling: A building designed and intended for occupancy by three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, flats, garden apartments and boarding houses.

Municipal Use: A land use owned and maintained by the Township of Caernarvon, including such uses as a library, park, playground, or administrative building.

New Construction: Structures for which the start of construction commenced on or after December 5, 1980 and includes any subsequent improvements thereto.

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.

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of the 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 Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the 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 the 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.

One Hundred (100) Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1%) percent chance of occurring each year, although the flood may occur in any year).

Open Space and Recreation Area: Required ground surface upon which no dwelling or accessory uses thereto may be constructed and upon which no loading or parking areas are permitted. The area shall be available for the use of all residents of the development in which it is located.

Parking Space: A space within a building or on a lot, used for the parking of a motor vehicle.

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

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any

other legal entity whatsoever, which is recognized by law as the subject or rights and duties.

Planned Residential Development: A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open air space to the intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.

Premises: A descriptive word 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 suited.

Principal Use: The main or primary purpose for which the land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the Zoning Ordinance.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Road: A public thoroughfare, including a street, road, lane, alley, or court, which has been dedicated or deeded to the Township and which affords the principal means of access to the abutting property.

Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Recreational Vehicle: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet,

measured at the largest horizontal projections;
(iii) designed to be self-propelled or permanently towable by a light-duty truck; and (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

Required Open Space: The front, side and rear yards, as required by this Ordinance, and any other area required to satisfy the net residential density requirements of this Ordinance.

Right-of-way: The total width of any land reserved or dedicated as a road, street, lane, alley, or crosswalk.

Riparian Rights: Rights relating to the bank of a stream or lake.

Rear Lot Line: The lot line which is opposite from the front lot line. The rear line of any triangularly or irregularly shaped lot shall be a line entirely within the lot and at least ten feet long.

Rear Yard: The required open space between the rear lot line and the principal building on the lot, extending the full width of the lot.

Sanitary Landfill: A land site on which engineering principals are utilized to bury deposits of solid wastes, without creating public health or safety hazards, nuisances, pollution or environmental degradation.

Screen: Vegetative material, fence, etc., planted or constructed to screen the structure and uses on the lot on which the screen is located from view of people on adjoining properties.

Section: A geographic area of a tract which is part of a proposed Planned Residential Development which will be developed according to a timetable for development over a period of years, included by the applicant in the development plan.

Side Yard: The required open space between the side lot line and the principal building on the lot extending the full depth of the lot.

Sign: Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, work, model, picture, insignia, device or representation which is used as an announcement, direction or advertisement.

Sight Triangle: An area within which no vision-obstructing object is permitted above a certain height and below a certain height.

Single-Family Detached Dwelling: A building occupied exclusively as a residence for one family and having no common or party wall within an adjacent building.

Single-Family Semi-Detached Dwelling: A building designed for and occupied exclusively as a residence for two families, each living on one side of a common or party wall.

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

Special Permit: A special approval which is required for hospitals, nursing homes, malls, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Stage: A section or sections of which an applicant proposes to develop at the same time, as part of a timetable for development of a Planned Residential Development over a period of years.

Stealth: All Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. which are designed to enhance compatibility with adjacent land uses, including but not limited to, architecturally screened and/or landscaped Communications Antennas, Communications Equipment Buildings, Communications Towers, support structures, etc. designed to look like something other than that of a support structure such as a light pole, power pole, tree or component of a building.

Street: A way intended to provide access to properties and including a road or highway.

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

Street Line: A dividing line between a lot, parcel or tract of land and an adjacent right-of-way line of any state or township roadway, or any private road which meets the township standards for public streets with respect to improvements and design standards which has been approved by the Township as part of a subdivision or land development plan, or a private road which is currently in existence and presently serves as access to more than one (1) property.

Structure: Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land and something located on the land. The term structure shall include: buildings, signs, fences, walls, towers, swimming pools, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof". Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, or other similar items.

Structural Alteration: Any enlargement of a building; the moving of a building from one location to another; or any change in or addition to the supporting members of a building or structure.

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

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

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a

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

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure".

Townhouse: A building designed for and occupied exclusively as a residence for one family and one of a group of three or more attached buildings, placed side by side and separated by party walls. The definition of Townhouse shall include single-family attached dwelling units and rowhouses.

Township: Township of Caernarvon, Berks County.

Two Family Detached: A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common or party wall with an adjacent building.

Two Family Semi-Detached: A building designed for and occupied exclusively as a residence for two families living on one side of a common or party wall and one of the families living wholly or partly over the other.

Use: A single activity.

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

Zoning Hearing Board: Caernarvon Township Zoning Hearing Board.

Zoning Officer: Caernarvon Township Zoning Officer.

Zoning Ordinance: Caernarvon Township Zoning Ordinance.

ARTICLE IV
ZONING DISTRICTS

Section 400. TYPES OF ZONING DISTRICTS

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

- R-1 Rural Conservation District
- R-2 Rural Conservation District
- R-3 Rural Residential District
- R-4 Suburban Residential District
- R-5 Suburban Residential District
- R-6 Suburban Residential District
- EAP Effective Agricultural Preservation District
- C-1 Mixed Commercial District
- C-2 Neighborhood Commercial District
- C-3 Highway Commercial District
- IOP Industrial Office Park District
- I-1 Limited Industrial District
- I-2 General Industrial District

Section 401. OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts shall be shown as on the "Zoning Map of Caernarvon Township." The official copy of this Zoning Map shall be located in the Township building. The Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The Official Zoning Map shall be so labeled and identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

"This is to certify that this is the official Zoning Map of the Township of Caernarvon adopted
_____."

3. All Amendments to the Zoning Map of the Township shall be indicated on the Official Copy of the Zoning Map. An entry indicating the change made and the date of any change shall be made and the entry shall include the signature of the Chairman and Secretary of the Board of Supervisors.

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

"This is to certify that this is the official Zoning Map of the Township of the Caernarvon adopted ____
____."

Section 402. DISTRICT BOUNDARIES- RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of the 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, highways or alleys, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the center lines or right-of-way lines of streets or highways, such district boundaries shall be construed as being parallel to the center lines or right-of-way lines and at such distance from the center lines or right-of-way lines as is 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 highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
5. Boundaries indicated as approximately following Township limits shall be construed as following such limits.

6. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
7. Boundaries indicated as parallel to or extensions of features listed in paragraphs 1 through 6 above shall be so construed.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs 1 through 7 above, the Zoning Officer shall interpret the district boundaries.
9. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, the Zoning Hearing Board may permit as a Special Exception the extension of the regulations for either portion of the lot fifty feet beyond the district 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, reconstructed, or structurally altered except in conformity with all the regulations specified within this Ordinance for the district in which the building, structure, or land is located.
2. No building, structure, or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed, or structurally altered without the issuance of a Building Permit and/or Certificate of Use and Occupancy by the Zoning Officer.
3. No part of a yard, 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, open space, or off-street parking or loading space similarly required of any other structure, building, or use of the land.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in the Ordinance.

5. All territory which may hereafter be annexed to the Township shall be considered to be an R-1 District until otherwise classified.

ARTICLE V
DISTRICT REGULATIONS

Section 500. R-1 RURAL CONSERVATION DISTRICT

Section 501. SPECIFIC INTENT

It is the purpose of this district to encourage the preservation of certain rural areas within the Township, in order to conserve such natural features as water courses, watersheds, and forest areas, and the most suitable farmland within the Township. It is also the purpose of this district to discourage development in areas in which on-site disposal of sewage effluent may be hazardous.

Section 502. USES PERMITTED BY RIGHT

Land and buildings in an R-1 district may be used for the following purposes and no others, unless a Special Exemption, as provided in Section 503, is granted:

1. Farm dwelling.
2. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance, including animal shelters housing animals which are not used during the conduct of and are not raised as a product of a commercial agricultural operation.
3. Agricultural Use, subject to:
 - a. The minimum size of a farm shall be three (3) acres.
 - b. All grazing or pasture areas utilized for this purpose shall be fenced.
 - c. No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
 - d. No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.
 - e. No structure designed for the cultivation of mushrooms or for the raising of pigs or poultry shall be located within two hundred feet (200') of any property line.

4. Display and Sale of Farm Products, 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 stand 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 (50') from any street right-of-way line.
5. Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.
6. Woodland or game preserve, wildlife sanctuary or similar conservation use.
7. Planned Residential Development subject to the conditions contained in Section 628.
8. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
9. No Impact Home - Based Business.
10. Family Day Care Homes.
11. Group Day Care Homes.

Section 503. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

1. Park, playground, or similar non-commercial recreational purposes.
2. Lodge or club for hunting, fishing, or other similar recreational purposes.
3. Municipal Use.

4. Outdoor recreational area for use by the general public. Permissible uses shall be parks, picnic grounds, riding trails or academy, hiking trails, boating, fishing, hunting, or nature center and swimming areas. These uses are subject to:
 - a. The lot on which any such use is conducted shall not be less than three acres in size.
 - b. The use shall include only necessary accessory structures and no commercial activity shall be permitted except for charging of admission, sale of refreshments, rental of athletic equipment or such other purpose as is clearly incidental to the permitted outdoor recreational use.
 - c. The maximum paved area shall be ten percent (10%) of the lot.
5. Home occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
6. Cemeteries.
7. Communications Towers and Communications Equipment Buildings.

Section 504. AREA, YARD, AND HEIGHT REGULATIONS IN THE R-1 DISTRICT

See Table on the following page.

SECTION 504

AREA, YARD AND HEIGHT REGULATIONS IN THE R-1 DISTRICT

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)	(percent)	(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/on-site Sewage Disposal		35	5	10 Acres	40	40	200	200	40	40	80
w/Municipal Sewage Disposal & Water		35	5	10 Acres	40	40	200	200	40	40	80
w/Public Sewage & On-Site Water		35	5	10 Acres	40	40	200	200	40	40	80
AGRICULTURAL USES:											
w/On-Site Sewage Disposal	None		5	3 Acres	75	75	200	200	75	75	150
w/Municipal Sewage Disposal & Water	None		5	3 Acres	75	75	200	200	75	75	150
w/Public Sewage & On-Site Water	None		5	3 Acres	75	75	200	200	75	75	150

Section 505. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-1 District:

602	615	637
603	617	638
604	618	640
605	619	
606	620	
609	621	
610	622	
611	623	
613	624	
614	625	

Section 506. R-2 RURAL CONSERVATION DISTRICT

Section 507. SPECIFIC INTENT

It is the purpose of this district to encourage the preservation of certain rural areas within the Township, in order to conserve such natural features as water courses, watersheds, and forest areas, and the most suitable farmland within the Township. It is also the purpose of this district to discourage development in areas which provide severe limitations to development, areas of steep slope, high water table and in which on-site disposal of sewage effluent may be hazardous.

Section 508. USES PERMITTED BY RIGHT

Land and buildings in an R-2 District may be used for the following purposes and no others, unless a Special Exception, as provided in Section 509, is granted:

1. Single-Family Detached Dwelling.
2. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance, including animal shelters housing animals which are not used during the conduct of and are not raised as a product of a commercial agricultural operation.
3. Agricultural Use, subject to:
 - a. The minimum size of a farm shall be three (3) acres.
 - b. All grazing or pasture areas utilized for this purpose shall be fenced.
 - c. No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
 - d. No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.
 - e. No structure designed for the cultivation of mushrooms or for the raising of pigs or poultry shall be located within two hundred feet (200') of any property line.

4. Display and Sale of Farm Products, 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 stand 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 (50') from any street right-of-way line.
5. Processing of farm products, where such use is accessory to the raising or growing of such products, and is located on the property on which the products are grown or raised.
6. Woodland or game preserve, wildlife sanctuary or similar conservation use.
7. Schools licensed by the Pennsylvania Department of Education.
8. Cluster Development subject to the conditions contained in Section 629.
9. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
10. No Impact Home-Based Business.
11. Family Day Care Homes.
12. Group Day Care Homes.

Section 509. USES PERMITTED BY SPECIAL EXCEPTION:

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

1. Park, playground, or similar non-commercial recreational area owned and operated by a public or private non-profit agency.

2. Lodge or club for hunting, fishing, or other similar recreational purposes.
3. Municipal Use.
4. Outdoor recreational area for use by the general public. Permissible uses are parks, picnic grounds, riding trails or academies, hiking trails, boating, fishing, hunting, or nature center, swimming area and ski area. These uses are subject to:
 - a. The lot on which any such use is conducted shall not be less than three acres in size.
 - b. The use shall include only necessary accessory structures and no commercial activity shall be permitted except for charging of admission, sale of refreshments, rental of athletic equipment or such other purpose, as is clearly incidental to the permitted outdoor recreational use.
 - c. The maximum paved area shall be ten percent (10%) of the lot.
5. Communications Towers and Communications Equipment Buildings.
6. Home occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
7. Mining, quarrying, extraction, or underground storage of gas, oil, or other mineral resources, including the reclamation of existing spoil material and/or processing facilities, subject to the following requirements:
 - a. The minimum lot size shall be fifty (50) acres.
 - b. Quarrying or mining activities, stone storage buildings or stockpiles, and stone crushing machinery and equipment pertaining to stone crushing machinery shall be located a minimum of two hundred fifty feet (250') from any adjoining property lines, and two hundred fifty feet (250') from any right-of-way line of a public road.
 - c. All quarrying and mining operations shall be enclosed by a fence with a minimum height of six feet (6'). Gates, which shall be locked except during business hours, shall be located at all entrances to quarrying and mining areas.

- d. The filing with the Township of three (3) copies of a complete and detailed plan depicting the entire outboundary of the property, and showing the proposed reclamation of the land affected, which has been filed by the operator with, and has received approval of, any and all Commonwealth of Pennsylvania and Federal government agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township.
- e. Periodic filing with the Township of copies of all reports which set forth the current status of reclamation work performed, and activities undertaken to implement Storm Water Management and Erosion and Sedimentation Control plans which the operator is required to file with the aforesaid governmental agencies.
- f. A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation, which will be used by vehicles entering and leaving the site. The plan shall be submitted to the Township Supervisors and shall state:
 - (1) All such roadways shall be maintained and constructed by the operator so that vehicular travel on them will not result in the spread of dust beyond the property lines of the mining operation.
 - (2) All such roadways shall be maintained and constructed by the mining operator so that vehicles leaving the mining operation will not deposit excessive or accumulative amounts of mining products, dirt, mud, and other such substances on public roads. The cost for repairs of damages to any public road caused by the movement of machinery or other damages caused by the mining operations will be the responsibility of the mining operator.
- g. All blasting operations shall conform with the regulations enforced by the appropriate State and Federal agencies. Blasting shall not be permitted between 7:00 p.m. and 7:00 a.m., and on Sundays and legal holidays.
- h. When a license is required from a State, a copy of such license shall be filed with the Township,

along with evidence of any bond required for completion of the reclamation plan.

- i. A certificate of the applicant's general liability insurance shall be filed with the Township.
 - j. A copy of the lease or permit from the owner or owners of the surface and underground mineral rights should be filed with the Township.
8. Dog Kennel, subject to:
- a. No structures housing dogs shall be located within one hundred feet (100') of any lot line.
9. Cemeteries.
10. Logging, subject to the following:
- a. Logging shall be done only in accordance with a forest management plan prepared by a forester. A copy of such plan shall be filed with the Zoning Officer at least thirty (30) days prior to the date on which the Zoning Hearing Board is to hold its hearing on the application for a Special Exception to do such logging. All forest management plans and the logging operation itself shall comply with the following requirements:
 - (1) The logging shall be by the selection method, clear cutting is prohibited.
 - (2) An Erosion and Sedimentation Control Plan designed to prevent erosion and sedimentation during and after the logging operation shall be submitted at the same time the forest management plan is filed.
 - (3) All cutting, removing, skidding, and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of, or damage to, other trees and vegetation and the land itself.
 - (4) Roads and trails shall be constructed, maintained, and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
 - (5) Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.

- (6) Where possible, stream crossing shall be avoided; but, where deemed necessary, crossing shall be made at a right angle across suitable culverts or bridges.
- (7) Skidding across live or intermittent stream is prohibited, except over bridges or culverts.
- (8) Buffer zones of fifty feet (50') shall be maintained on the property on which the logging operation is being conducted along all streets and abutting properties.
- (9) Buffer zones of twenty-five feet (25') shall be maintained along any streams and around any springs.
- (10) Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting.
- (11) All limbs and stubs shall be removed from felled trees prior to skidding.
- (12) All trees bent or held down shall be released promptly.
- (13) No trees shall be left lodged in the process of felling.
- (14) Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the municipality, in the case of municipal streets, or the Pennsylvania Department of Transportation, in the case of State highways.
- (15) No tops or slash shall be left within fifty feet (50') of any public street or adjoining property; within twenty-five feet (25') of any stream or historic or scenic trail; or within ten feet (10') of any drainage ditch.
- (16) The stumps of all felled areas shall be permitted to remain in the soil for stabilization purposes.

(17) During periods of abnormal forest fire danger, as determined by the State Fire Marshall, the municipality shall have the right to order a suspension of logging operations until the danger subsides.

Section 510. AREA, YARD AND HEIGHT REGULATIONS IN THE R-2 DISTRICT

See Table on the following page.

SECTION 510

AREA, YARD AND HEIGHT REGULATIONS IN THE R-2 DISTRICT (Except as noted in Sections 508 & 509)

Type of Use	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)	(percent)	(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/on-site Sewage Disposal		35	5	80,000 sq. ft.	40	40	150	150	40	40	80
w/Municipal Sewage Disposal & Water		35	5	80,000 sq. ft.	40	40	150	150	40	40	80
w/Public Sewage & On-Site Water		35	5	80,000 sq. ft.	40	40	150	150	40	40	80
AGRICULTURAL USES:											
Agricultural Buildings	None				75	75			75	75	150
Single-Family Detached Dwelling		35			40	40			40	40	80
w/On-Site Sewage Disposal			5	3 Acres			150	150			
w/Municipal Sewage Disposal & Water			5	3 Acres			150	150			
w/Public Sewage & On-Site Water			5	3 Acres			150	150			
CLUSTER DEVELOPMENT:											
See Section 629 for Maximum/Minimum Requirements											
ANY OTHER PERMITTED USE:											
w/On-Site Sewage Disposal		35	5	3 Acres	75	75	200	200	75	75	150
w/Municipal Sewage Disposal & Water		35	5	3 Acres	75	75	200	200	75	75	150
w/Public Sewage & On-Site Water		35	5	3 Acres	75	75	200	200	75	75	150

Section 511. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-2 District:

602	615	637
603	617	638
604	618	640
605	619	
606	620	
609	621	
610	622	
611	623	
613	624	
614	625	

Section 512. R-3 RURAL RESIDENTIAL DISTRICT

Section 513. SPECIFIC INTENT

It is the purpose of this district to provide areas for low-density residential development and for limited farming activity and other non-residential uses. Lots will be of sufficient size to provide for both on-site sewage disposal and water supply, but provision is made for smaller lot sizes if public or community sewage disposal systems are provided.

Section 514. USES PERMITTED BY RIGHT

Land and buildings in an R-3 district may be used for the following purposes, and no others, unless a Special Exception, as provided for in Section 515, is granted:

1. Single-Family Detached Dwelling.
2. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance including animal shelters housing animals which are not used during the conduct of, and are not raised as a product of a commercial agricultural operation.
3. Agricultural Use, subject to:
 - a. The minimum size of a farm shall be three (3) acres.
 - b. All grazing or pasture areas utilized for this purpose shall be fenced.
 - c. No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
 - d. No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.
 - e. Mushroom houses and piggeries are prohibited. No structure designated for the raising of poultry shall be located within two hundred feet (200') of any property line.

4. Display and Sale of Farm Products, 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 stand 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 (50') from any street right-of-way.
5. Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.
6. Woodland or game preserve, wildlife sanctuary or similar conservation use.
7. Municipal use.
8. Park, playground, or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
9. Cluster Development subject to the conditions contained in Section 629.
10. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
11. No Impact Home - Based Business.
12. Family Day Care Homes.
13. Group Day Care Homes.

Section 515. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

1. School licensed by the Pennsylvania Department of Education.

2. Place of Worship.
3. Hospital, medical clinic, convalescent home, retirement home, or similar institution.
4. Club or lodge for fraternal or social purposes, provided that the chief activity of such use shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be primarily for the use of members and their guests only.
5. Home occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
6. Cemeteries.
7. Communications Towers and Communication Equipment Buildings.

Section 516. AREA, YARD AND HEIGHT REGULATIONS IN THE R-3 DISTRICT

See table on the following page.

SECTION 516

AREA, YARD AND HEIGHT REGULATIONS IN THE R-3 DISTRICT

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)	(percent)	(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre	30	40	100	150	30	20	40
w/Municipal Sewage Disposal & Water											
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft.	30	40	75	100	30	15	30
AGRICULTURAL USES:											
w/On-Site Sewage Disposal	None		15%	3 Acres	75	75	100	150	75	75	150
w/Municipal Sewage Disposal & Water											
w/Public Sewage & On-Site Water	None		20%	3 Acres	75	75	100	150	75	75	150

Section 517. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-3 District:

602	615	637
603	617	638
604	618	640
605	619	
606	620	
609	621	
610	622	
611	623	
613	624	
614	625	

Section 518. R-4 SUBURBAN RESIDENTIAL DISTRICT

Section 519. SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas and to permit expansion of these areas at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced lot sizes and Planned Developments when these facilities are provided. Mobile home parks and certain non-residential uses are permitted in this district.

Section 520. USES PERMITTED BY RIGHT

Land and buildings in an R-4 district may be used for the following purposes, and no others, unless a Special Exception, as provided in Section 521, is granted:

1. Single-Family Detached Dwelling.
2. Two Family Detached Dwelling.
3. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.
4. Park, playground, or similar non-commercial recreational area owned and operated by a public or private non-profit agency.
5. Municipal Use.
6. Schools licensed by the Pennsylvania Department of Education.
7. Agricultural Use, subject to:
 - a. The minimum size of a farm shall be three (3) acres.
 - b. All grazing or pasture areas utilized for this purpose shall be fenced.
 - c. No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
 - d. No slaughter or manure storage area shall be established closer than two hundred feet (200') to any property line.

- e. Mushroom houses and piggeries are prohibited. No structure designated for the raising of poultry shall be located within two hundred feet (200') of any property line.
8. Display and sale of farm products, 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 stand are met.
 - c. The sale of farm products shall be conducted within a structure, or from a farm stand, which shall be no closer than fifty feet (50') from any street right-of-way line.
 9. Processing of farm products, where such use is accessory to the raising or growing of such products, and is located on the property on which the products are grown or raised.
 10. Planned Residential Development subject to the conditions contained in Section 628.
 11. Cluster Developments subject to the conditions contained in Section 629.
 12. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
 13. No Impact Home-Based Business.
 14. Family Day Care Homes.
 15. Group Day Care Homes.

Section 521 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Place of Worship.

2. Hospital, medical clinic, convalescent home, retirement home, or similar institution.
3. Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
4. Mobile Home Park, subject to:
 - a. The minimum area of a mobile home park for which a certification of use and occupancy may be issued shall be ten (10) acres.
 - b. All mobile home parks shall be served by either a public or community sewage disposal system, and by either a public or community water supply system. Both the sewage disposal system and water supply systems shall be approved by the Pennsylvania Department of Environmental Protection.
 - c. The maximum gross density of any mobile home park shall be five (5) dwelling units per acre.
 - d. Not less than ten percent (10%) of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park. Provisions shall be made by the owner of the mobile home park for the development, installation, and perpetual maintenance of such recreation areas.
 - e. The minimum area of a mobile home lot shall be six thousand (6000) square feet. The minimum width of a mobile home lot shall be thirty feet (30') at the street right-of-way line, and fifty feet (50') at the building setback line.
 - f. Two (2) off-street parking spaces shall be provided for each mobile home lot.
 - g. The minimum allowable distance between any mobile home, service, or accessory building, or parking facility, and a boundary line of the mobile home park shall be fifty feet (50'), provided that no mobile home shall be located closer than twenty-five feet (25') to any street located outside the boundary lines of the park. No mobile home shall be located closer than twenty-five feet (25') to any street located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building not within the same lot, or common parking facility,

shall be twenty feet (20'). Minimum side and rear yards of ten feet (10') shall be provided on each mobile home lot.

- h. An evergreen planting screen a minimum of four feet (4') in height at planting shall be placed along all boundary lines of the mobile home park, separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen which shall be maintained permanently. Plant material which does not live shall be replaced within one (1) year. The distance between trees shall be such that a full screen will be provided within three (3) years of planting. The permissible distance between plants will vary with the species of planting.
- i. Each mobile home shall be placed on a lot which has frontage on and direct access to an approved street within the mobile home park, and shall be located to provide safe and convenient access for servicing and fire protection.
- j. The limits on each mobile home lot shall be clearly marked on the ground by permanent markers.
- k. Each mobile home space shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during the seasons of the year. Each mobile home space shall be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed within thirty (30) days to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring, and calculations indicating that the foundation and anchoring are adequate to meet the standards of this Section.
- l. All mobile home parks shall comply with the requirements for mobile home parks established by the Pennsylvania Department of Environmental

Protection, and by the Caernarvon Township Flood Plain Management Ordinance.

- m. Mobile home parks shall comply with the applicable requirements of the Caernarvon Township Subdivision and Land Development Ordinance; and, where applicable, Caernarvon Township flood plain district building regulations.
- n. All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed and maintained for safe and convenient movement from all mobile home spaces to principal destinations within the park; and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside the park. Principal destinations include such uses as recreation areas, service buildings, storage areas, common parking areas, and management offices.
- o. All pedestrian walks shall have a minimum width of four feet (4').
- p. All pedestrian walks shall be paved.
- q. All pedestrian walks must be provided with lighting units spaced, equipped, and installed to allow safe movement of pedestrians at night.
- r. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall conform to the requirements of Township ordinances. Attachments to mobile homes in the form of sheds and lean-to's are prohibited.
- s. The mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
- t. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.
- u. Ground surfaces in all parts of the mobile home park must be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the elimination of dust.
- v. Park grounds must be kept free of vegetation growth which is poisonous or which may produce

pollen or harbor rodents, insects, or other pests harmful to man.

- w. The storage, collection, and disposal of solid waste from the mobile home park shall be the responsibility of the mobile home park operator.
- x. The storage, collection, and disposal of solid waste must be conducted so as to prevent insect and rodent problems.
- y. All solid waste must be stored in approved fly-tight, rodent-proof, and water-tight containers, and these containers shall be maintained in a clean condition.
- z. Solid waste containers must be distributed throughout the mobile home park in adequate numbers and be readily accessible to the mobile home spaces in use.
- aa. Exterior storage areas for solid waste must be completely screened on three (3) sides with evergreen plantings.
- bb. Adequate measures must be taken by the operator of the mobile home park to prevent an infestation of insects and rodents.
- cc. Every mobile home park shall be provided with an electrical distribution system to which every mobile home and service building shall be connected. Such system and connections shall be installed, inspected, and maintain in accordance with the specifications and rules of the appropriate utility company, the Township, and the State. The appropriate electric utility shall inspect all transformers and underground connections to all mobile homes located within the mobile home park, and shall attach its date "tag of approval" to each mobile home at a visible location before any mobile home is occupied.
- dd. Underground electric, telephone, and television distribution lines are to be installed in all mobile home parks.
- ee. It shall be unlawful for any reason to maintain, construct, alter, or extend any mobile home park within the Township unless it holds a valid Certificate of Registration from the Pennsylvania Department of Environmental Protection and a valid

occupancy permit issued by the Township Zoning Officer.

- ff. Proof that a valid Certificate of Registration from the Pennsylvania Department of Environmental Protection is held shall be submitted to the Township Secretary each year.
- gg. Each person holding a Certificate of Registration shall file notice in writing to the Pennsylvania Department of Environmental Protection and the Township Zoning Officer within ten (10) days after having sold, transferred, given away, or otherwise having disposed of interest in or control of any mobile home park.
- hh. Mobile home parks in existence upon the effective date of this Ordinance shall be required to meet the standards of the Pennsylvania Department of Environmental Protection, the Township Zoning Ordinance, and other applicable Township Ordinances, as a prerequisite to the issuing of an occupancy permit by the Township. In addition, the standards prescribed in this Ordinance shall be met before an occupancy permit is issued by the Township for a mobile home park constructed or expanded after the effective date of this Ordinance.
- ii. A representative of the Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
- jj. A copy of the occupancy permit for a mobile home park issued by the Township shall, at all times, be posted in the office of the Mobile home park manager.
- kk. Applications for occupancy permits for mobile home parks shall be filed with the Township Zoning Officer, using application forms available from the Township.
- ll. Accompanying all applications for occupancy permits shall be three (3) copies of all information which was submitted to the Pennsylvania Department of Environmental Protection, when an application for a Certification of Registration from that body was filed.

- mm. An application for an occupancy permit for a mobile home park shall be accompanied by three (3) copies of plans for the mobile home park, and three (3) copies of any supplemental drawings which shall contain all information necessary to allow the Township Zoning Officer to determine that all the requirements of this Ordinance have been met.
- nn. The Township Zoning Officer shall act on each application for an occupancy permit for a mobile home park, and shall issue an occupancy permit if the application is approved; proof that the Pennsylvania Department of Environmental Protection has issued a Certificate of Registration is submitted to the Township; and a permit fee is paid to the Township. The occupancy permit shall be valid for a period of one (1) year from the date issued.
- oo. An annual permit shall be required for each mobile home park. An occupancy permit shall be renewed each year, and will not be renewed by the Township unless the annual permit fee is paid to the Township and the Township determines that all the standards of the Pennsylvania Department of Environmental Protection, and the applicable Township regulations are met.
- pp. After the effective date of this Ordinance, before the area, number of mobile home spaces, road system, service facilities, sewer facilities, water facilities, or any other aspect of a mobile home park which is regulated in this Ordinance, may be altered or expanded this alteration or expansion must be approved by the Township Supervisors. Plans which indicate all proposed modifications shall be filed with the Township Zoning Officer and the Township Secretary.
- qq. The person to whom an occupancy permit for a mobile home park has been issued shall operate the park in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- rr. A register containing the names of all park occupants, the make, model, and serial number of each mobile home, the date of arrival of each mobile home in the park, the lot number upon which the mobile home is parked, and the date of

departure from the park shall be maintained by the person to whom an occupancy permit was issued. The register shall be available to any person whom the Township Supervisors authorize to inspect the park, and shall be kept within the office of the mobile home park manager.

- ss. No space within a mobile home park shall be rented for residential use of a mobile home, except for periods of one hundred eighty (180) days or more.
- tt. Whenever, after inspection of any mobile home park, it is determined by the Board of Supervisors that conditions or practices exist which are in violation of any provision of this Ordinance, the Township Secretary shall give notice in writing to the person to whom an occupancy permit for a mobile home park was issued, advising such person that, unless such conditions or practices are corrected within a reasonable period of time specified within the notice, the permit to operate a mobile home park in the Township shall be suspended. At the end of the specified period of time, the mobile home park will be reinspected by the Township Supervisors; and, if the conditions or practices in violation of the Ordinance have not been corrected, the Township Supervisors shall suspend the occupancy permit and give notice in writing of such suspension to the person to whom the permit was issued.
- uu. The written notice advising that conditions or practices exist which are in violation of this Ordinance, and that these conditions or practices may result in the suspension of an occupancy permit for a mobile home park shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time for the performance of any act it requires;
 - (4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance; and,
 - (5) Be served upon the person to whom an occupancy permit for a mobile home park was issued.
- vv. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation

adopted pursuant thereto, may request, and shall be granted, a hearing on the matter before the Board of Supervisors, provided that such person shall file with the Township Secretary a written petition requesting such hearing, and setting forth a brief statement of the grounds for the request for the hearing within ten (10) days after the notice was served.

- ww. Upon receipt of such petition, the Board of Supervisors shall set a place and time for the hearing, and shall give the petitioner written notice thereof. At the hearing, the petitioner will be given an opportunity to show why the notice which was issued should be modified or withdrawn. The hearing shall be hold not later than thirty (30) days after the date on which the petition was filed. Upon written application by the petitioner, the Board of Supervisors may waive this thirty (30) day requirement when, in their judgment, the petitioner has submitted sufficient reasons for such a postponement.
- xx. After the hearing has been held, the Board of Supervisors shall make findings as to the compliance with the provisions of this Ordinance, and shall issue an order in writing sustaining, modifying, or withdrawing the notice. If the holder of the occupancy permit for a mobile home park does not comply with the conditions of the sustained or modified notice, the Township Supervisors shall suspend the occupancy permit in question, and give notice in writing of such suspension to the person to whom the permit was issued.
- yy. Any person aggrieved by the decision of the Township Supervisors may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

5. Communications Towers and Communications Equipment Buildings.

Section 522. AREA, YARD AND HEIGHT REGULATIONS IN THE R-4 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre per unit	30	40	100	150	30	20	40
w/Municipal Sewage Disposal & Water		35	35%	10,000 sq. ft. per	30	40	60	80	25	10	20
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft. per	30	40	75 per	100 per	30	15	30
TWO FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre per unit	30	40	150	200	30	20	40
w/Municipal Sewage Disposal & Water		35	30%	15,000 sq. ft.	30	40	75	100	30	12	24
w/Public Sewage & On-Site Water		35	30%	15,000 sq. ft.	30	40	100	150	30	12	24
AGRICULTURAL USES:											
w/On-Site Sewage Disposal	None		15%	3 Acres	75	75	100	150	75	75	150
w/Municipal Sewage & On-Site Water	None		20%	3 Acres	75	75	100	150	75	75	150

Section 523 GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-4 District:

602	616	637
603	617	638
604	618	640
605	619	
606	620	
609	621	
610	622	
611	623	
613	624	
614	625	
615		

Section 524. R-5 SUBURBAN RESIDENTIAL DISTRICT

Section 525. SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas and to permit expansion of these areas at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced lot sizes and Planned Developments when these facilities are provided.

Section 526. USES PERMITTED BY RIGHT

Land and buildings in an R-5 district may be used for the following purposes and no others, unless a Special Exception as provided for in Section 527, is granted.

1. Single-Family Detached Dwelling.
2. Two Family Detached Dwelling.
3. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.
4. Park, Playground, or similar non-commercial Recreational Area owned and operated by a public or private non-profit agency.
5. Municipal Use.
6. Planned Residential Development subject to conditions contained in Section 628.
7. Cluster Development subject to the conditions contained in Section 629.
8. No Impact Home-Based Business.
9. Family Day Care Homes.

Section 527. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after a Special Exception is granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Place of Worship.

2. School licensed by the Pennsylvania Department of Education.
3. Hospital, Medical Clinic, Convalescent Home, Retirement Home, or similar institution.
4. Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

Section 528. AREA, YARD AND HEIGHT REGULATIONS IN THE R-5 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	20,000 sq. ft. per unit	25	25	75	100	30	15	30
w/Municipal Sewage Disposal & Water		35	35%	10,000 sq. ft.	25	25	60	80	25	10	20
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft.	25	25	75	100	30	15	30
TWO FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	20,000 sq. ft. per unit	25	25	100	150	30	15	30
w/Municipal Sewage Disposal & Water		35	30%	15,000 sq. ft.	25	25	75	100	30	12	24
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft. per	25	25	100	150	30	15	30

Section 529. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-5 District:

602	616
603	617
604	618
605	619
606	620
609	621
610	622
611	623
613	624
614	625
615	640

Section 530. R-6 SUBURBAN RESIDENTIAL DISTRICT

Section 531. SPECIFIC INTENT

It is the purpose of this district to maintain existing residential areas to permit expansion of these areas at low to medium densities. Lots must be of sufficient size to provide for both on-site sewage disposal and water supply systems unless off-site facilities are provided. Off-site facilities are encouraged by permitting reduced lot sizes when these facilities are provided.

Section 532. USES PERMITTED BY RIGHT

Land and buildings in the R-6 District may be used for the following purposes and no others, unless a Special Exception, as provided for in Section 533, is granted:

1. Single-Family Detached Dwelling
2. Residential Accessory Use, subject to Residential Accessory Use Regulations, Section 606 of this Ordinance.
3. Park, Playground, or similar non-commercial Recreational Area owned and operated by a public or private non-profit agency.
4. Municipal Use.
5. Cluster Development subject to the conditions contained in Section 629.
6. No Impact Home-Based Business.
7. Family Day Care Homes.

Section 533. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a Special Exception should be granted are found in Section 804 of this Ordinance.

1. Place of Worship.
2. School licensed by the Pennsylvania Department of Education.
3. Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.

Section 534. AREA, YARD AND HEIGHT REGULATIONS IN THE R-6 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	20,000 sq. ft.	25	25	75	100	30	15	30
w/Municipal Sewage Disposal & Water		35	35%	10,000 sq. ft.	25	25	60	80	25	10	20
w/Public Sewage & On-Site Water		35	15%	20,000 sq. ft.	25	25	75	100	30	15	30

Section 535. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the R-6 District:

602	616
603	617
604	618
605	619
606	620
609	621
610	622
611	623
613	624
614	625
615	640

Section 540. EAP Effective Agricultural Preservation District

Section 541. Specific Intent

The purposes of the Effective Agricultural Preservation District are:

1. To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's Executive Order of October 14, 1997. Those areas being Preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974 (Clean and Green) or Act 515 of 1996 as Amended, and Land Capability Classes I, II, III and IV.
2. To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the State of Pennsylvania.
3. To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.
4. To promote agricultural land uses and activities and uses which act in direct support of agriculture.
5. To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain large contiguous agriculture parcels.
6. To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
7. To keep separate agricultural land use and activities from incompatible residential, commercial, and industrial development, and public facilities.
8. The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which is a legitimate zoning objective under the State Planning Statutes.
9. To achieve compliance with Sections 603(b)(5) and 604(3) of the Municipalities Planning Code which directs that zoning ordinances contain provisions

designed to "preserve prime agriculture and farmland considering topography, soil type and classification, and present use."

10. To put into action the goals of the Caernarvon Township Comprehensive Plan which contains the goal of preserving agriculture and farmlands and promoting them as a part of the local economy.
11. To support the goals and land use plan of the Berks County Comprehensive Plan which determined that Caernarvon Township is an area which needs to be preserved for agricultural uses.

Section 542. Uses Permitted by Right

The following, as a principal use, their accessory uses and no other, are permitted in the Effective Agricultural Preservation District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

1. General Agricultural Uses, subject to Section 650 of this Ordinance.
2. Woodland or game preserve, wildlife sanctuary or similar conservation use.
3. Nursery/greenhouse, subject to Subsections 651(6), 651(9) and 651(10).
4. Farm related occupations, subject to Section 630 of this Ordinance.
5. Accessory uses and structures to the above permitted used when on the same lot as the permitted use.
6. Nurseries, greenhouse, and tree farms subject to Section 632 of this Ordinance.
7. Intensive Agricultural activities, subject to Section 651 of this Ordinance.
8. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.

Section 543. Uses Permitted by Special Exception

The following, as a principal use, their accessory uses and no other, are permitted in the Effective Agricultural Preservation District when a special exception is granted by the Zoning Hearing Board subject to and in accordance with Article VIII, Section 805 of this Ordinance.

1. Single-Family Detached Dwelling, subject to Section 652 of this Ordinance.
2. Public Utility uses, not to include commercial telecommunication signal facilities.
3. Intensive Agricultural Uses subject to Section 651 of this Ordinance.
4. Farm related businesses subject to Section 631 of this Ordinance.
5. Municipal use.
6. Bed and Breakfast, subject to Section 635 of this Ordinance.
7. Horseback riding school and/or boarding stable, subject to Section 636 of this Ordinance.
8. Cemetery.
9. Place of Worship.
10. Aquaculture.
11. Kennels subject to Section 634 of this Ordinance.
12. Home Occupation subject to Section 623 of the Caernarvon Township Zoning Ordinance.
13. Communications Towers and Communications Equipment Buildings.

Section 544. Area, Yard and Height Regulations

Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Effective Agricultural Preservation District, except as specifically provided for in this Ordinance. (See chart next page)

	Non-Residential Uses	On-Site Sewage Disposal Single-Family Detached	Public or Community Sewage Disposal and On-Site Water Supply Single-Family Detached	Public or Community Sewage Disposal and Public or Community Water Supply Single-Family Detached
<u>Maximum Permitted</u>				
Lot Size		2 Acres (See Section 652 of this Ordinance for the maximum number of proposed single-family detached dwellings.)	2 Acres (See Section 652 of this Ordinance for the maximum number of proposed single- family detached dwellings.)	2 Acres (See Section 652 of this Ordinance for the maximum number of proposed single-family detached dwellings.)
Building Height (except barns, silos, and grain elevators)	35 Feet	35 Feet	35 Feet	35 Feet
Lot Coverage	25 Percent	25 Percent	25 Percent	35 Percent
Paved Area	15 Percent	10 Percent	10 Percent	15 Percent
<u>Minimum Requirements</u>				
Lot Size	40 Acres	1 Acre	20,000 SF	10,000 SF
Lot Width At Street Line	150 Feet	100 Feet	75 Feet	55 Feet
At Building Setback Line	150 Feet	150 Feet	100 Feet	70 Feet
Rear yard	40 Feet	30 Feet	30 Feet	25 Feet
Building Setback Line	40 Feet	30 Feet	30 Feet	25 Feet
Side Yard Total	50 Feet	40 Feet	30 Feet	20 Feet
One Side	25 Feet	20 Feet	15 Feet	10 Feet

Section 545. Additional Land Requirements for New Intensive Agricultural Uses

The following special requirements shall apply to areas where residential and EAP zones are in close proximity: Any intensive agricultural uses not actually pursued prior to the effective date of the creation of the EAP District must be at least three hundred feet (300') from the boundary of any residential zoning district.

Section 546. General Regulations

The following sections under Article VI of this Ordinance shall apply as supplementary guidelines and specifications for the Effective Agricultural Preservation District:

602	610	618	624	635
603	611	619	630	636
604	613	620	631	637
605	614	621	632	638
606	615	622	633	650
609	617	623	634	651
				652

Section 550. C-1 MIXED COMMERCIAL DISTRICT

Section 551. SPECIFIC INTENT

It is the purpose of this district to permit smaller commercial establishments and several types of dwellings to locate in an area which, at the present time, contains a mixture of residential and commercial uses. The types of commercial uses which may locate in the C-1 District are limited, and performance standards are applied to provide sufficient protection for residential properties. Off-street parking requirements for commercial uses must be adhered to.

Section 552. USES PERMITTED BY RIGHT

Land and buildings in a C-1 District shall be used for the following purposes, and no others, unless a Special Exception, as provided for in Section 553, is granted:

1. Single-Family Detached Dwelling.
2. Single-Family Semi-Detached Dwelling.
3. Two Family Detached Dwelling.
4. School.
5. Place of Worship.
6. Municipal Use.
7. Home Occupation, subject to Home Occupation Regulations, Section 623 of this Ordinance.
8. Playground or similar non-commercial recreation area, owned and operated by a public or private non-profit agency.
9. Club or lodge.
10. Boarding and lodging homes.
11. Retail business established for the sale of goods such as, but not limited to, appliances, clothing, drugs, food, furniture, hardware, household supplies, liquor, newspapers, stationary, and tobacco.
12. Service establishments such as, but not limited to, barber shops, beauty shops, restaurants, taverns, laundry, and dry-cleaning shops.
13. Business or professional office or studio.

14. Banks and fiduciary institutions.
15. Shops for the repair of goods permitted to be sold by No. 11 above.
16. Funeral home.
17. Accessory buildings and uses customarily incidental to the above uses.
18. Family Day Care Homes.
19. Group Day Care Homes.

Section 553. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Apartments and townhouses, subject to the following:
 - a. All dwelling units shall be served by public sewage disposal and public water supply facilities.
 - b. The minimum lot size shall be 20,000 square feet.
 - c. The overall density of the development shall not exceed ten (10) dwelling units per acre.
 - d. The number of townhouse units within a continuous grouping shall not exceed six.
 - e. The maximum length of an apartment building shall not exceed 160 feet.
 - f. The minimum building setback line shall be twenty-five feet (25').
 - g. The minimum rear yard shall be twenty-five feet (25').
 - h. Each side yard shall be a minimum of twenty feet (20').
 - i. The minimum distance between buildings shall be forty feet (40').

- j. No building shall have a height exceeding thirty-five feet (35').
 - k. Parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas.
 - l. No parking area shall be located within any required front or side yard.
 - m. The minimum lot width at the street line and the building setback line shall be eighty feet (80').
2. Commercial recreational area, limited to the following
- a. In all cases, the minimum lot size shall be 20,000 square feet per use except in areas of on-site sewage disposal and on-site water supply where the minimum lot size shall be one (1) acre.
3. Child Day Care Centers.

Section 554. AREA, YARD AND HEIGHT REGULATION IN THE C-1 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
SINGLE-FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre per unit	30	40	100	150	30	20	40
w/Municipal Sewage Disposal & Water		35	35%	10,000 sq. ft. per	30	40	60	80	25	10	20
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft. per	30	40	75 per	100 per	30	15	30
**SINGLE-FAMILY SEMI-DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre per unit	30	40	100 per	150 per	30	20	40
w/Municipal Sewage Disposal & Water		35	35%	6,000 sq. ft. per	30	40	30 per	40 per	25	8	16
w/Public Sewage & On-Site Water		35	20%	20,000 sq. ft. per	30	40	40 per	50 per	30	15	30
TWO FAMILY DETACHED DWELLING:											
w/On-Site Sewage Disposal		35	15%	1 Acre Per Unit	30	40	150	200	30	20	40
w/Municipal Sewage Disposal & Water		35	30%	15,000 Sq. Ft. per	30	40	75	100	30	12	24
w/Public Sewage & On-Site Water		35	30%	15,000 Sq. Ft. per	30	40	100	150	30	12	24
*COMMERCIAL ESTABLISHMENT:											
w/On-Site Sewage Disposal		35	40%	1 Acre Per Use	30	30	150	150	30	15	30
w/Municipal Sewage Disposal & Water		35	50%	5,000 Sq. Ft. per	25	25	50	50	20	6	12
w/Public Sewage & On-Site Water		35	50%	20,000 Sq. Ft. per	30	30	100	100	25	10	20

*Improvement Setback: 10'/Distance between Highway Access Points: 75'

**The total minimum side yard requirement for a single-family semi-detached dwelling refers to a two unit building. Only one side yard is required per unit.

Section 555. PERFORMANCE STANDARDS

1. No potentially dangerous effluent from operations shall be discharged.
2. No waste materials shall be stored on the lot.
3. No heat or glare shall be produced which is perceptible at or beyond the lot boundaries.
4. No goods shall be displayed in an open area.
5. No odors shall be perceptible at lot boundaries.
6. No unpackaged goods shall be sold outside a building for consumption on the premises.
7. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district. Post-development runoff shall not exceed pre-development runoff based upon calculations utilizing a 25- year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of this Ordinance.
8. In all areas of On-site sewage disposal and on-site water supply, the maximum impervious area coverage shall be forty percent (40%).

Section 556. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the C-1 District:

602	610	620
603	611	621
604	612	622
605	613	623
606	614	624
607	617	625
608	618	639
609	619	

Section 560. C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 561. SPECIFIC INTENT

It is the purpose of this district to provide an area for commercial facilities which provide goods and services to the surrounding residential areas. The commercial establishments which as permitted are limited to those which serve the daily needs of nearby residents.

Section 562. USES PERMITTED BY RIGHT

Land and buildings in a C-2 District may be used for the following purposes and no others.

1. Retail business establishments for the sale of goods such as, but not limited to: appliances, clothing, drugs, food, furniture, hardware, household supplies, jewelry, liquor, newspapers, stationary, and tobacco.
2. Repair and maintenance service of the type of goods to be found in the above mentioned retail trade establishments.
3. Personal or household service establishments such as, but not limited to: barber shops, beauty shops, restaurants, taverns, and laundry and dry-cleaning shops (self-service and non self-service).
4. Professional services.
5. Business and professional office or studios.
6. Banks and fiduciary institutions.
7. Municipal use.
8. Rooming and boarding houses.
9. Place of Worship.
10. Club or lodge for fraternal or social purposes.
11. Funeral home.
12. Accessory building or use on the same lot with and customarily incidental to any of the above-permitted uses.

Section 562A. USES PERMITTED BY SPECIAL EXCEPTION

1. Motor vehicle service station, subject to:
 - a. Fuel pumps shall be at least twenty feet (20') from any street line.
 - b. All activities except those required to be performed at the fuel pump, shall be performed within a completely enclosed building.
 - c. All automobile parts, dismantled vehicles, and similar articles shall be stored within the primary structure.
 - d. All oil and similar substances, except those displayed at the fuel pumps, shall be stored within a building.
 - e. All fuel shall be stored in approved and licensed underground tanks. All tanks shall be installed at least fifty feet (50') from any street or lot line.
 - f. In all instances, the minimum lot size shall be one (1) acre.
2. Car washing facility, subject to:
 - a. Minimum lot size, in all instances, shall be one (1) acre.
 - b. No structures shall be located less than seventy-five feet (75') from any lot line.
 - c. An approach drive or parking area of four (4) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall accommodate a minimum of eight cars.
 - d. All facilities shall be served by public water and sewage disposal.

Section 563. AREA, YARD AND HEIGHT REGULATION IN THE C-2 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
COMMERCIAL ESTABLISHMENT*:											
w/On-Site Sewage Disposal		35	40%	1 Acre Per Use	30	30	150	150	30	15	30
w/Municipal Sewage Disposal & Water		35	50%	5,000 Sq. Ft.	25	25	50	50	20	6	12
w/Public Sewage & On-Site Water		35	50%	20,000 Sq. Ft.	30	30	100	100	25	10	20

*Improvement Setback: 10'/Distance between Highway Access Points: 75'

Section 564. SPECIAL PROCEDURAL REQUIREMENTS

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building, as in the case of a shopping center.
2. When more than one structure housing a principal use is to be erected on a single lot, or more than one principal use is to be located within a single building, a Plan of the development must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors. This plan shall include:
 - a. The location, boundaries, dimensions, and ownership of the land to be included within the development.
 - b. The location, dimensions, arrangement, and proposed use of all buildings, open spaces, yards, access ways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas and screening devices.
 - c. A description of the provisions made for sewage, solid waste disposal, and water supply shall be provided. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district. Post-development runoff shall not exceed pre-development runoff based upon calculations utilizing a 25-year storm frequency; however, an applicant may utilize storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit notwithstanding all other provisions of this Ordinance.
 - d. Sufficient data to enable the Township to judge the effectiveness of the design and the character of the proposed use, its compliance with the requirements of this Ordinance, and to consider properly such things as its relationship to surrounding areas, anticipated traffic and the public health, safety, and welfare.

Section 565. PERFORMANCE STANDARDS

1. No potentially dangerous effluent from operations shall be discharged.
2. If there is more than one principal building constructed on a lot, the proposed development shall be designed as part of a single architectural and landscaping scheme.
3. When the side and/or rear yard of a commercial lot adjoins a residential district, a fifteen foot (15') buffer strip suitably landscaped to provide a screen, and in which no parking or structures are permitted, shall be provided in the side and/or rear yard adjoining a residential district.
4. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Surveyor must be prepared for all new construction located in this district. Post-development runoff shall not exceed pre-development runoff based on calculations utilizing a 25-year old storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of this Ordinance.

Section 566. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the C-2 District:

602	613
603	617
604	618
605	619
607	620
608	621
609	622
610	624
611	625
612	

Section 570. C-3 HIGHWAY COMMERCIAL DISTRICT

Section 571. SPECIFIC INTENT

It is the purpose of this district to accommodate commercial activities which are principally based on automobile use and traffic, as well as to accommodate commercial facilities which provide goods and services to nearby residential neighborhoods.

Section 572. USES PERMITTED BY RIGHT

Land and buildings in a C-3 district may be used for the following purposes and no others, unless Special Exceptions are granted, in accordance with Section 573.

1. Any Use Permitted by Right in the C-2 District.
2. Motor vehicle service station, subject to:
 - a. Fuel pumps shall be at least twenty feet (20') from any street line.
 - b. All activities, except those required to be performed at the fuel pumps, shall be performed within a completely enclosed building.
 - c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - d. All fuel, oil, or similar substances, except that stored at the fuel pumps, shall be stored at least thirty-five feet (35') from any street or lot line.
 - e. In all instances, the minimum lot size shall be one (1) acre.
3. Car washing facility, subject to:
 - a. Minimum lot size, in all instances, shall be one (1) acre.
 - b. No structure shall be located less than seventy-five feet (75') from any lot line.
 - c. An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public

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

- d. Adequate provisions shall be made for the disposition of the water generated by the car washing facility. The Zoning Officer shall forward this information to the Township Engineer; and, in the case of sub-surface disposal, to the Township Sewage Enforcement Officer for his review prior to issuance of a permit, notwithstanding other provisions of this Ordinance.
4. Repair garage facility, subject to:
 - a. Minimum lot size, in all instances, shall be one (1) acre.
 - b. No building shall be closer than twenty-five feet (25') to any lot line.
 - c. All repair activities shall be performed within a completely enclosed building.
 - d. All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be adequately screened from view by a fence constructed of such material and in such manner that the outdoor storage of materials is not visible from adjoining properties.
 5. Motor Vehicle or Vehicle Dwelling Sales Agency.
 6. Hotel or motel, provided the minimum lot size, in all cases, is 80,000 square feet.
 7. Distributing or trucking establishment.
 8. Funeral home.
 9. Indoor or outdoor place of amusement, recreation, or assembly.
 10. Lumber and building materials supply establishment.
 11. Wholesale establishment.
 12. Accessory buildings and uses customarily incidental to the above-permitted uses when on the same lot.

13. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.

Section 573. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after Special Exceptions are granted by the Zoning Hearing Board. The standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Any use of the same general character as any of the above-permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.
2. Communications Towers and Communications Equipment Buildings.

Section 574. AREA, YARD AND HEIGHT REGULATIONS IN THE C-3 DISTRICT

See table on the following page.

Type of Structure	Maximum Regulations			Minimum Regulations							
	Building Height		Lot Area Covered by Buildings	Lot Size	Building Setback		Lot Width		Rear Yard	Side Yard	
	Agric'l	Other			Minor Access Road	Major Art'l Road	At Street Line	At Bldg Setback Line		One Side Yard	Total
	(feet)	(feet)		(see below)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
COMMERCIAL ESTABLISHMENT*:											
w/On-Site Sewage Disposal		40	40%	1 Acre per con. site 1 Acre per princ. use	50	50	150	150	30	15	30
w/Municipal Sewage Disposal & Water		40	50%	10,000 sq. ft. 5,000 sq. ft.	50	50	100	100	20	10	20
w/Public Sewage & On-Site Water		40	50%	20,000 sq. ft.	50	50	100	100	25	10	20

*Improvement Setback: 10'/Distance between Highway Access Points: 75'

Section 575. SPECIAL PROCEDURAL REQUIREMENTS

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building, as in the case of a shopping center.
2. When more than one structure housing a principal use is to be erected on a single lot or more than one principal use is to be located within a single building, a Plan of the development must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors. The Plan shall include:
 - a. The location, boundaries, dimensions, and ownership of the land to be included within the development.
 - b. The location, dimensions, arrangement, and proposed use of all buildings, open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas, and screening devices.
 - c. A description of the provisions made for sewage, solid waste disposal, and water supply shall be provided. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located within this district. Post-development runoff shall not exceed pre-development runoff based upon calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer shall forward the plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of this Ordinance.
 - d. Sufficient data to enable the Township to judge the effectiveness of the design and the character of the proposed use, its compliance with the requirements of this Ordinance, and to consider properly such things as its relationship to surrounding areas, anticipated traffic and the public health, safety, and welfare.

Section 576. PERFORMANCE STANDARDS

- 1. No potentially dangerous effluent from operations shall be discharged.
- 2. If there is more than one principal building constructed on a lot, the proposed development shall be designated as part of a single architectural and landscaping scheme.
- 3. When the side and/or rear yard of a commercial lot, adjoins a residential district, a fifteen foot (15') buffer strip suitably landscaped to provide a screen, and in which no parking or structures are permitted, shall be provided in the side and/or rear yard adjoining a residential district.
- 4. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located within this district. Post-development runoff shall not exceed pre-development runoff based upon calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer shall forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of this Ordinance.

Section 577. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the C-3 District:

602	613
603	617
604	618
605	619
607	620
608	621
609	622
610	624
611	625
612	637
	638

Section 579. I-O-P Industrial Office Park

Section 579A. Specific Intent

It is the purpose of this district to provide an area in which a variety of offices and related uses and some commercial uses may locate. Most residential uses are excluded.

Section 579B. Uses Permitted by Right

Land and building in the I-O-P District shall be used for the following purposes, and no others, unless Special Exceptions are granted:

1. Office Building, Offices
2. Conference, training, or cultural center
3. Bank, financial establishment
4. Office support services intended primarily to serve the employees within the Industrial Office Park, including but not limited to:
 - a. Restaurant
 - b. Child Day Care Center
 - c. Retail business establishments primarily serving the surrounding office park such as but not limited to clothing, flowers, dry-cleaning/laundry drop-off, food, newspapers, periodicals, pharmaceuticals, stationary, office equipment and supplies, clothing, doctors office, duplicating services.
5. Compounding of pharmaceuticals products.
6. Manufacture of precision instruments, optical goods, electrical appliances, computers, jewelry, and similar goods, provided such manufacturing is contained within the office structure.
7. Municipal use
8. Airport, airpark, heliport
9. Planned residential airpark development subject to R-3 District controls

10. Public or private outdoor recreation, including golf courses
11. Place of worship (outside of the airport hazard zone)
12. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings
13. Retail establishments for the sale of dry goods, general merchandise, food, drugs, household supplies, jewelry, books, or garden center
14. Indoor theater, bowling alley, billiard room or other place of indoor amusement or recreation, excluding adult-oriented uses
15. Personal service, including tailor, barber, beauty salon, shoe repair or dressmaking
16. Restaurant (including fast food), confectionary, or bakery
17. Animal hospital or pet shop
18. Hand or automatic self-service laundry
19. Wholesale establishment, warehousing of merchandise or sale of building materials
20. Fuel Pumps, as part of a shopping center, subject to the following:
 - a. Fuel pumps shall only be permitted as part of a shopping center containing a minimum of 150,000 square feet of gross leasable area;
 - b. Fuel pumps shall only be permitted adjacent to a Major Street, where access is directly provided from the Major Street to the fuel pumps;
 - c. Fuel pumps shall only be permitted where access is also provided through the interior shopping center driveways to facilitate the use of the fuel pumps by the patrons of the shopping center;
 - d. All fuel pumps shall be at least twenty (20) feet from any street line;

- e. All customer activities, except those customarily performed at a fuel pump, shall be performed within a completely enclosed building;
- f. All fuel shall be stored in approved and licensed underground tanks. All tanks shall be installed at least fifty (50) feet from any street or lot line.

Section 579C. Uses Permitted by Special Exception

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

- 1. Any use of the same general character as any of the above permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.
- 2. Communications Towers and Communications Equipment Buildings.

Section 579D. Area, Yard, and Height Requirements in the I-O-P Industrial Office Park District

Maximum Regulations

Building Height:	75 feet*
Lot Coverage (by buildings):	50%
Total Impervious Area:	65%

Minimum Regulations

Lot Size (per development):	25 acres
Lot Size (individual):	1 acre
Lot Width:	
At street line-	150 feet
At building setback line-	150 feet
Rear Yard:	30 feet
Side Yard (one side):	30 feet
Building Setback Line:	60 feet
Improvement Setback Line:	15 feet
Buffer zone where adjoining	
Residential areas:	15 feet

* Building height, structures, fences, and landscaping in the vicinity of airports limited by the guidelines of the FAA for safe aircraft approaches and departures.

Section 579E. Performance Standards

1. The performance standards of Section 585 shall apply.
2. The noise abatement procedures of the Federal Aviation Administration shall be followed for all aircraft uses.
3. The Zoning Hearing Board may require safeguards to assure compliance with the following performance standards. The applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements when required by the Zoning Hearing Board.
4. A traffic study is required if the proposal generates 75 peak hour trips or 1500 total trips per day based on the guidelines of the Institute of Transportation Engineers.
5. Street intersections shall be signed in accordance with the Subdivision and Land Development Ordinance. State Route 23 is classified as a major street. Twin Valley Road (T310) is classified as a collector street.

Section 579F. Special Procedural Requirements

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building.
2. When more than one structure housing a principal use is to be erected on a single lot or more than one principal use is to be located within a single building, a Plan of the development prepared in accordance with the Caernarvon Township Subdivision and Land Development Ordinance must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors.

Section 579G. General Regulations

The following general regulations found in this Zoning Ordinance shall apply to the I-O-P District:

602	618
603	619
604	620
605	621
606	622
607	623
608	624
609	626
610	627
611	628
612	637
613	638
617	639

Section 580. I-1 LIMITED INDUSTRIAL DISTRICT

Section 581. SPECIFIC INTENT

It is the purpose of this district to provide an area in which a variety of limited industrial uses and some commercial uses may locate. Residential uses are excluded.

Section 582. USES PERMITTED BY RIGHT

Land and buildings in the I-1 District shall be used for the following purposes, and no others, unless Special Exceptions are granted:

1. Laboratory for research or testing.
2. Office building.
3. Manufacture of jewelry, precision instruments, optical goods, and similar products.
4. Manufacture and assembly of electrical appliances, supplies and equipment.
5. Warehouse or similar storage building.
6. Wholesale and distribution business, when carried on in an enclosed building.
7. Printing or publishing establishment.
8. Laundry and dry cleaning establishment.
9. Trucking establishment.
10. Compounding of pharmaceutical products.
11. Packaging and bottling establishment.
12. Light metal processing, including finishing, grinding, polishing, heat treating, and stamping.
13. Manufacture of products from previously prepared materials, such as, bone, canvas, cellophane, cork, felt, glass, hair, leather, or plastic.
14. Manufacture of beverages, clothing and other textile products, cosmetics, luggage, perfume, plastic products, rubber products, toys, sporting equipment, wood and paper products.
15. Contractor or general service shop.

16. Retail sale of goods produced as a permitted use, provided the goods are sold on the same lot on which they are produced.
17. Accessory use, customarily incidental to any of the above permitted uses when on the same lot.
18. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
19. Child Day Care Center.

Section 583. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Assembly and fabrication of steel and metal products.
2. Manufacture of building materials, heavy electrical equipment, machinery, and machine tools.
3. Chemical and chemical products manufacture.
4. Processing of food products.
5. Metal processes, including metal treatment and processing.
6. Any use of the same general character as any of the above permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.
7. Communications Towers and Communications Equipment Buildings.
8. Adult Entertainment Business provided that in addition to any other criteria for the grant of a Special Exception contained within this Ordinance, the use shall not be located any closer than 1,000 feet from any school, day care/preschool care facility, place of worship, recreational area, residential zoning district, or residential dwelling.

Section 584. AREA, YARD, AND HEIGHT REQUIREMENTS IN THE I-1 INDUSTRIAL DISTRICT(except as noted in Section 582.)

Maximum Regulations:

Building height.....	40 feet
Lot Coverage.....	40%
Floor Area Ratio.....	0.8
Paved Area.....	35%

Minimum Regulations:

Lot Size.....	1 acre
Lot Width at Street Line.....	150 feet
Lot Width at Building Setback Line.....	150 feet
Rear Yard.....	30 feet (50' if property borders a residential district)
Side Yard One Side.....	30 feet (50' if borders a residential district)
Side Yard Total.....	60 feet
Building Setback Line on Minor Collector or Local Access Road.....	40 feet (50' if property is opposite residential district)
Building Setback Line on Major Connector or Arterial Road.....	50 feet
Improvement Setback Line.....	15 feet (25' if property is opposite residential property)
Distance Between Highway Access Points.....	75 feet

Section 585. PERFORMANCE STANDARDS

The Zoning Hearing Board may require safeguards to assure compliance with the following performance standards. The applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements when required by the Zoning Hearing Board.

1. No toxic or corrosive fumes or gases shall be produced.
2. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.
3. No noise except for periodic irregular traffic noises shall exceed the level of ordinary conversations at the lot boundaries between 8 p.m. and 7 a.m. Between 7 a.m. and 8 p.m. the following standards must be met:

<u>Octave Band in cycles per second:</u>	<u>Maximum Permitted Sound level in decibels at Property boundary line:</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

4. No electromagnetic radiation or injurious radioactive emission shall be produced.
5. No potentially dangerous effluent from plant operations shall be discharged.
6. No storage of waste materials on the lot, other than a product or byproduct of the operation, shall be permitted.
7. The emission of gray smoke at a density greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines shall not be permitted.
8. All materials stored outdoors shall be enclosed by a fence or other suitable means adequate to conceal the materials from all adjacent properties.
9. No odors produced on the lot shall be perceptible at the lot boundaries.
10. No physical vibration shall be perceptible at or beyond the lot boundaries.
11. Along each side and rear property line which abuts a residential district boundary line, a buffer yard of not less than fifty feet (50') in width shall be provided. The buffer yard shall be used as a planting strip on which shall be placed suitable plantings sufficient to constitute an effective screen.
12. The emission of particles from any flue or smokestack shall not exceed 0.2 grains per cubic foot in flue gas at a stack temperature of 500 degrees Fahrenheit and fifty percent (50%) excess air.
13. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district. Post-development runoff shall

not exceed pre-development runoff based upon calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer shall forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of this Ordinance.

Section 586. SPECIAL PROCEDURAL REQUIREMENTS

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building.
2. When more than one structure housing a principal use is to be erected on a single lot, or more than one principal use is to be located within a single building, a plan of the development must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors. This Plan shall include:
 - a. The location, boundaries, dimensions, and ownership of the land to be included within the development.
 - b. The location, dimensions, arrangement and proposed use of all buildings, open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas, and screening devices.
 - c. A description of the provisions made for sewage, solid waste disposal and water supply shall be provided. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district. Post-development runoff shall not exceed pre-development runoff based on calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the Plan and calculations to the Township Engineer for review prior to the issuance of the

permit, notwithstanding all other provisions of this Ordinance.

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

Section 587. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the I-1 District:

602	613
603	617
604	618
605	619
607	620
608	621
609	622
610	623
611	626
612	637
	638
	639

Section 590. I-2 GENERAL INDUSTRIAL DISTRICT

Section 591. SPECIFIC INTENT

It is the purpose of this District to provide a large area in which a variety of industrial uses and some commercial uses may locate. Integrated industrial parks are encouraged. Residential uses are excluded.

Section 592. USES PERMITTED BY RIGHT

Land and buildings in the I-2 District shall be used for the following purposes and no others, unless Special Exceptions are granted:

1. Laboratory for research or testing.
2. Office Building.
3. Manufacture of jewelry, precision instruments, optical goods, and similar goods.
4. Manufacture and assembly of electrical appliances, supplies and equipment.
5. Warehouse or similar storage building.
6. Wholesale and Distribution Business, when carried on in an enclosed building.
7. Printing and publishing establishment.
8. Laundry and dry cleaning plant.
9. Trucking establishment.
10. Compounding of pharmaceutical products.
11. Packaging and bottling establishment.
12. Light metal processes, including finishing, grinding, polishing, heat treating, and stamping.
13. Manufacture of products from previously prepared materials, such as, bone, canvas, cellophane, cork, felt, glass, hair, leather or plastic.
14. Manufacture of beverages, clothing and other textile products, cosmetics, luggage, perfume, plastic products, rubber products, toys, sporting equipment, wood and paper products.

15. Contractor or general service shop.
16. Retail sale of goods produced as Permitted Use, provided the goods are sold on the same lot on which they are produced.
17. Agriculture.
18. Assembly and fabrication of steel and metal products.
19. Manufacture of building materials, heavy electrical equipment, machinery and machine tools.
20. Chemical and chemical products manufacture.
21. Processing of food products.
22. Metal processes, including metal treatment and processing.
23. Accessory buildings and uses customarily incidental to the above-permitted uses when on the same lot.
24. Communications Antennas mounted on a lawfully existing Public Utility Transmission Tower, lawfully existing Building or other structure which is or is part of another lawfully existing principal use on the lot, and Communications Equipment Buildings.
25. Child Day Care Center.

Section 593. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Outdoor storage, provided that such storage is enclosed by a satisfactory fence or planting, and is not visible from the property line.
2. Junk yard, subject to:
 - a. No junk shall be stored less than 100 feet from any street outside the property on which the junkyard is located, and 100 feet from any adjoining property lines.
 - b. No junk shall be stored less than 200 feet from any residential district boundary line.

- c. All junk yards shall be completely enclosed by an evergreen screen planting, which shall be backed by a fence which shall contain gates which are locked except during business hours.
 - d. No materials stored within the junk yard shall be visible beyond the lot boundaries.
 - e. No garbage or organic waste shall be permitted to be stored on any junk yard.
 - f. Burning or melting of any junk, rubbish, or refuse is prohibited.
3. Landfills, sanitary or otherwise, when operated by a municipality, subject to:
- a. A fence shall be maintained along all property lines, and shall have a minimum height of six feet (6').
 - b. Gates which shall be locked, except during business hours, shall be located at all entrances.
 - c. Landfill activities shall be located a minimum of one hundred feet (100') from any street not located on the lot, and one hundred feet (100') from any adjoining property lines.
 - d. Landfill activities shall be located a minimum of two hundred feet (200') from any residential district boundary lines.
 - e. All areas where landfill operations are conducted shall be screened from view from the lot boundaries by means of a planted screen.
 - f. Minimum lot size shall be fifty (50) acres.
 - g. Any applicant for a landfill shall be in compliance with the requirements of the Pennsylvania Department of Environmental Protection; and, prior to the onset of operation of such landfill, a permit must be obtained from the Pennsylvania Department of Environmental Protection for said operations.
 - h. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania Department of Environmental Protection, shall be submitted to the Board of Supervisors.

4. Fire fighting training school.
5. Mining, quarrying, extraction, or underground storage of gas, oil, or other mineral resources, including the reclamation of existing spoil materials and/or processing facilities, subject to the following requirements:
 - a. The minimum lot size shall be fifty (50) acres.
 - b. Quarrying or mining activities, stone storage buildings or stock piles, stone crushing machinery and equipment pertaining to stone crushing machinery, shall be located a minimum of 250 feet from any adjoining property lines, and 250 feet from any right-of-way line of a public road.
 - c. All quarrying and mining operations shall be enclosed by a fence with a minimum height of six feet (6'). Gates which shall be locked, except during regular business hours, shall be located at all entrances to quarrying and mining areas.
 - d. The filing with the Township of three (3) copies of a complete and detailed plan depicting the entire outboundary of the property, and showing the proposed reclamation of the land affected, which has been filed by the operator with, and has received approval of, any and all Commonwealth of Pennsylvania and Federal government agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township.
 - e. Periodic filing with the Township of copies of all reports which set forth the current status of reclamation work performed, and activities undertaken to implement Storm Water Management and Erosion and Sedimentation Control Plans, which the operator is required to file with the aforesaid governmental agencies.
 - f. A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation, which will be used by vehicles entering and leaving the site. The plan shall be submitted to the Township Supervisors and shall state:

- (1) All such roadways shall be maintained and constructed by the mining operator so that vehicular travel on them will not result in the spread of dust beyond the property lines of the mining operation.
 - (2) All such roadways shall be maintained and constructed by the mining operator so that vehicles leaving the mining operation will not deposit excessive or accumulating amounts of mining products, dirt, mud, or other such substances on public roads. The cost for repair of damages to any public road, caused by the movement of machinery, or other damages caused by the mining operation, will be the responsibility of the mining operator.
- g. All blasting operations shall conform with regulations enforced by the appropriate State and Federal agencies. Blasting shall not be permitted between 7:00 p.m. and 7:00 a.m. and on Sundays and legal holidays.
- h. When a license is required from the State, a copy of such license shall be filed with the Township, along with evidence of any bond required for completion of the reclamation plan.
- i. A certificate of the applicant's general liability insurance should be filed with the Township.
- j. A copy of the lease or permit from the owner or owners of the surface and underground mineral rights should be filed with the Township.
6. Any use of the same general character as any of the above-permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.
7. Communications Towers and Communications Equipment Buildings.
8. Adult Entertainment Business provided that in addition to any other criteria for the grant of a Special Exception contained within this Ordinance, the use shall not be located any closer than 1,000 feet from any school, daycare/preschool care facility, place of worship, recreational area, residential zoning district, or residential dwelling.

Section 594. AREA, YARD, AND HEIGHT REQUIREMENTS IN THE I-2 INDUSTRIAL DISTRICT: (Except as noted in Section 593)

Maximum Regulations

Building Height.....	40 ft.
Lot Coverage.....	40%
Floor Area Ratio.....	1.0
Paved Area.....	40%

Minimum Regulations

Lot Size-	
Per Construction Site.....	2 acres
Per Principal Use.....	40,000 square feet
Lot Width-(construction site)	
At Street Line.....	250 ft.
At Building Setback Line.....	250 ft.
Rear Yard-.....	30 ft.
(50 ft. if bordering a Residential Property)	
Side Yard-	
One Side.....	30 ft.
(50 ft. if bordering a Residential Property)	
Total.....	60 ft.
Building Setback Line-	
On Minor Collector or Local Access Road.....	40 ft.
On Major Collector or Arterial Road.....	50 ft.
Improvement Setback Line-.....	15 ft.
(25 ft. if opposite residential district)	
Distance between Buildings-.....	60 ft.
Distance between Highway Access Points-...	75 ft.

Section 595. PERFORMANCE STANDARDS

The Zoning Hearing Board may required safeguards to assure compliance with the following performance standards. The applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements when required by the Zoning Hearing Board.

1. No toxic or corrosive fumes or gases shall be produced.
2. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.

3. No noise except for periodic irregular traffic noises shall exceed the level of ordinary conversation at the lot boundaries between 8:00 p.m. and 7:00 a.m. Between 7:00 a.m. and 8:00 p.m., the following standards must be met:

<u>Octave Band in Cycles per Second</u>	<u>Maximum Permitted Sound Level in Decibels at Property Boundary Line</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

4. No electromagnetic radiation or injurious emission shall be produced.
5. No potentially dangerous effluent from plant operations shall be discharged.
6. No storage of waste materials on the lot, other than a product or byproduct of the operation, shall be permitted.
7. The emission of gray smoke at a density greater than No. 1 on the Ringlemann Smoke Chart, as published by the U.S. Bureau of Mines, shall not be permitted.
8. All materials stored outdoors shall be enclosed by a fence or other suitable means adequate to conceal the materials from all adjacent properties.
9. No odors produced on the lot shall be perceptible at the lot boundaries.
10. No physical vibration shall be perceptible at or beyond the lot boundaries.
11. Along each side and rear property lines which abuts a residential district boundary line, a buffer strip of not less than fifty feet (50') in width shall be provided. The buffer yard shall be used as a planting strip on which shall be placed suitable plantings sufficient to constitute an effective screen.

12. The emission of particles from any flue or smokestack shall not exceed 0.2 grains per cubic foot in flue gas at a stack temperature of 500 degrees Fahrenheit and fifty percent (50%) excess air.
13. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district. Post-development runoff shall not exceed pre-development runoff based on calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of the Ordinance.

Section 596. SPECIAL PROCEDURAL REQUIREMENTS

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building.
2. When more than one structure housing a principal use is to be erected on a single lot or more than one principal use is to be located within a single building, a Plan of the development must be submitted to the Township Planning Commission for review and be approved by the Township Supervisors. This Plan shall include:
 - a. The location, boundaries, dimensions, and ownership of the land to be included within the development.
 - b. The location, dimensions, arrangement, and proposed use of all buildings, open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas, and screening devices.
 - c. A description of the provisions made for sewage, solid waste disposal, and water supply shall be provided. A Storm Water Management Plan prepared by a Professional Engineer or Registered Professional Land Surveyor must be prepared for all new construction located in this district.

Post-development runoff shall not exceed pre-development runoff based on calculations utilizing a 25-year storm frequency; however, an applicant may utilize existing storm water infrastructure if calculations show the facility is capable of handling the increase. The Zoning Officer will forward the Plan and calculations to the Township Engineer for review prior to the issuance of the permit, notwithstanding all other provisions of the Ordinance.

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

Section 597. GENERAL REGULATIONS

The following general regulations found in this Ordinance shall apply to the I-2 District:

602	613
603	617
604	618
605	619
607	620
608	621
609	622
610	625
611	626
612	637
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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. APPLICABILITY

These controls shall apply when they are specifically referred to in the regulations of the applicable Zoning District.

Section 602. PROHIBITED USES

No building may be erected, altered, or used; and, no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reasons of dust, smoke, odor, fumes, noise, vibration, gas, illumination, or similar substances or conditions.

Section 603. ACCESS TO STRUCTURES

All structures shall be located on lots as to provide safe, convenient access for servicing, fire protection, and required off-street parking.

Section 604. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. Plans prepared in accordance with the applicable sections of the Caernarvon Township Subdivision and Land Development Ordinance shall be prepared and submitted in accordance with said Ordinance.

Section 605. STORAGE OF EXPLOSIVES

No explosives may be stored in Residential or Commercial Districts. Explosives may be stored in all other Districts, provided that the storage area is no closer than 200 feet to any property line, and provided the requirements of all applicable local, State, and Federal regulations are met.

Section 606. ACCESSORY USES - RESIDENTIAL

1. General

- a. No Accessory Uses are permitted within any required Front, Side or Rear Yard, except that Accessory Buildings in the EAP, R-1, and R-2 Zoning Districts are permitted within the Side and Rear yards, but no closer than ten (10) feet to a Side or Rear lot Line.
- b. No activities shall be permitted which create a public nuisance or interfere with the use of the adjacent residential lots.
- c. No accessory structure shall exceed the maximum building height standard specified in the relevant zoning district regulations.
- d. The minimum distance between accessory buildings shall be ten feet (10'). The minimum distance between any accessory building and a principal building shall be ten feet (10').
- e. Accessory uses include, but are not limited to, animal shelters, detached garages, swimming pools, greenhouses, and tennis courts.

2. Use Regulations

a. Swimming Pools

- (1) Private non-commercial aboveground swimming pools which are designed to contain a water depth of twenty-five inches (25") to forty-seven inches (47") must be entirely enclosed with a permanent continuous fence not less than four feet (4') in height.
- (2) Private non-commercial aboveground swimming pools which are designed to contain a water depth of forty-eight inches (48") or more, having access by way of temporary or permanent landing or deck, must have the landing or deck surrounded by a fence not less than four feet (4') in height. Doors or gates used to gain entrance to the platform or deck shall be constructed as to not have opening or gaps longer than four inches (4") in any dimension.

- (3) All private non-commercial in-ground swimming pools must be entirely enclosed with a permanent continuous fence not less than four feet (4') in height. All doors or gates must be self-closing and be equipped with a self-latching device for keeping the gate or door securely closed when not in actual use. All pools must be designed in conformance with the requirements outlined by the manufacturer.
- (4) Public swimming pools must conform to Pennsylvania Department of Environmental Protection, Title 25, Chapter 193 regulations.

3. Apartment Accessory Uses

- a. Apartment accessory uses shall be restricted to uses designed for residents of the apartment units, and may include areas for washing machines and dryers, lockers and storage areas, recreational areas, and lounges.

Section 607. COMMERCIAL AND INDUSTRIAL ACCESSORY USES

1. General

No structure shall be located within any required front or side yard or within twenty feet (20') of the rear property line.

2. Use Regulations

- a. Storage Areas - All such facilities shall be located in an area which has direct access to a street or driveway.
- b. Living Quarters - Living quarters shall be permitted for all proprietors and for watchmen, caretakers, or other similar employees.

Section 608. HIGHWAY FRONTAGE DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL DISTRICTS

1. All areas for off-street parking, off-street loading and unloading, 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 vehicles entrance or exit, except for necessary

accessway 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 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 (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.
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 exit from the parking area. The width of such entrances or exits, measured at the street property line, shall conform to the Subdivision and Land Development Ordinance and the Township Driveway Ordinance.
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 609. LANDSCAPING

1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting. The type and density of planting shall adequately provide the screening effect required.
2. Plant materials used in screen planting shall be at least four feet (4') in height when planted, and shall be of such species as will provide within three years, a complete year 'round visual screen at least six feet (6') in height.
3. The screen planting shall be maintained permanently, and plant material which does not live shall be replaced within one year.
4. Any portion of a site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped according to the overall plan.

Section 610. 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 611. SIGNS (per Ordinance No. 250)

1. Scope and Applicability

- a. This Section recognizes that signs perform an important function but that a minimum control of signs is necessary to promote the health, safety and general welfare by lessening hazards to pedestrian and vehicular traffic; by preserving property values; by preventing unsightly and detrimental development which has a blighting influence upon residential, commercial and industrial uses; by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned; and by securing certain fundamentals of design for the Township.
- b. Those elements excluded from sign controls include: flags of any governmental unit or branch of any charitable or religious organization; directional flags or signs posted by religious organizations, schools or hospitals; interior signs not visible from a public right-of-way or adjoining property; cornerstones built into or attached to a wall of a building commemorating a person or event; official notices of any court or public office; legal notices posted pursuant to law; and public service company signs as aids to safety or service.
- c. In all districts, signs may be erected, altered maintained, used, removed, or moved only if they comply with the provisions of this Section and other regulations of the Township relating to such activities.
- d. All signs shall require the issuance of a Sign permit before erection or replacement except as noted otherwise in this Section. All signs must comply with all of the regulations contained herein regardless of whether or not a permit is required.

- e. Signs existing at the time of passage of the Ordinance and which do not conform to the requirements of this Section shall be considered non-conforming signs. Non-conforming signs may be repainted or repaired (including lighting) provided that the repainting or repaired sign does not exceed the dimensions of the existing sign.

2. General Regulations

- a. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of the Zoning Ordinance in the zoning district in which the property to which the signs relates is located.
- b. Signs may be illuminated by direct lighting but shall have such lighting shielded so that no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No red, amber or green lights shall be permitted for illuminating a sign and no flood or spotlights shall be mounted higher than fifteen feet (15') above ground level.
- c. No sign, other than official traffic signs, shall be erected within the right-of-way lines of any street. Any sign illegally placed within a highway right-of-way line may be removed by the Township.
- d. Every sign must be constructed of durable material and be kept in good condition and repair. Electrical signs shall be subject to the performance criteria of the Underwriters Laboratory, Incorporated. Any sign which is allowed to become dilapidated shall be removed at the expense of the owner or lease. The Township Zoning Officer shall make such determination as to state of repair.
- e. no sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- f. Wall signs shall not extend beyond the edge of any façade or other surface to which they are mounted.
- g. Projecting signs shall not extend more than four feet (4') from the wall or surface to which they are mounted. No projecting signs shall interfere

with normal pedestrian or vehicular traffic or be closer than six feet (6') to the property line.

- h. Free-standing signs shall be set back at least ten feet (10') from the street right-of-way line in all Zoning Districts except the C-1 District. In the C-1 Zoning District no free-standing signs shall be erected within the street right-of-way line. No free-standing sign shall project beyond a street right-of-way line. No free-standing sign shall be within twenty-five feet (25') of any residential district.
- i. The distance from the ground to the highest part of any free-standing sign shall not exceed ten feet (10') in all Residential Districts and the C-1 Zoning District. The distance from the ground to the highest part of any free-standing sign in other Commercial Districts and Industrial Districts shall not exceed twenty-five feet (25') above the adjacent road or street elevation.
- j. Area of Signs
 - (1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself.
 - (2) Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letter and symbols.
 - (3) The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
 - (4) In computing the square footage area of a double-faced sign, only one (1) side of the sign shall be considered provided that the sign has two (2) parallel surfaces that are opposite and matching in size and shape and are not more than sixteen (16) inches apart. In cases where the sign faces are not

parallel or are more than sixteen (16) inches apart, then both sides shall be considered in calculating the sign area.

- k. Electronic signs shall comply with all provisions of this Ordinance and may not contain flashing, blinking, scrolling or moving lights, texts or graphics, or any full-motion video. An electronic sign must remain static for a minimum period of ten (10) seconds during which the display may not transition to display new information. A maximum transition interval of one (1) second, during which period the sign display transitions to another display, is required. There shall be no appearance of a visual dissolve or fading, in which any part of one message / display appears simultaneously with any part of a second message / display. There shall be no appearance of flashing or sudden bursts of light, animation, movement or flow of the message / display.
- l. No signs shall be posted, stapled or otherwise attached to public utility poles or trees within a street right-of-way.

3. Permit Exempt Signs

The following signs are exempt from having to obtain a Sign Permit for erection or installation of the sign. Such signs are deemed not to create nuisance situations that would threaten the health, safety or welfare of persons in the Township. All owners of such signs, however, must comply with all applicable standards of this Ordinance including the responsibility for maintenance and repair of signs.

- a. An official highway route number sign, street name sign, directional sign, traffic sign or other Federal, State, County or Local Government signs. These signs are exempt from the requirement for registration with the Township.
- b. Signs controlling or prohibiting fishing, hunting or trespassing on the premises or signs indicating the private nature of a road or driveway provided that the area of any such sign shall not exceed four (4) square feet.
- c. A sign displaying the property number, lot number, street address or the name(s) of the occupants of a residential dwelling provided that the characters do not exceed three inches (3") in

height and the area of the sign shall not exceed two (2) square feet.

- d. Signs advertising the sale or rental of the premises upon which the sign is located. Such signs shall not exceed six (6) square feet in area and shall be removed within seven (7) days after settlement or a lease has been entered into. No more than one (1) such sign shall be placed on each street frontage of the property.
- e. Temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization provided that such sign shall not exceed thirty-two (32) square feet in area and that it shall not be erected more than fourteen (14) days before the event and shall be removed within seven (7) days after the event.
- f. Political signs provided that such sign shall not exceed nine (9) square feet in area and shall be removed within seven (7) days after the date of the election or referendum.
- g. Temporary signs of architects, engineers, builders, contractors, developers and similar artisans and craftsmen which are erected and maintained on the premises where the work is being performed provided that such sign shall not exceed twelve (12) square feet in area and shall be removed within seven (7) days after such work is no longer actively and continuously being pursued.
- h. One or more signs applied to a windowpane giving store hours or the name(s) of credit or charge institutions accepted by the store provided that the total area of any such sign or all signs together shall not exceed two (2) square feet in area.
- i. Temporary signs advertising the temporary sale of products or goods such as Christmas trees, Easter flowers, fireworks, etc. provided that such sign shall not exceed twelve (12) square feet in area, shall not be posted for more than thirty (30) days and shall be removed within seven (7) days after the completion of the sales.
- j. Temporary signs identifying a yard or garage sale provided that no more than two (2) signs are erected for each event, each sign shall not exceed four (4) square feet in area, signs shall

not be erected more than seven (7) days before the event and signs shall be removed within twenty-four (24) hours after the conclusion of the event.

- k. A sign indicating a particular hybrid or strain of plant provided that such sign shall not exceed two (2) square feet in area and that no more than one (1) sign per plant strain shall be erected on any one street frontage.

4. Signs Permitted in Residential and Agricultural District

- a. Identification sign or bulletin or announcement board for a school, hospital, or similar institution, and for a club, lodge, farm, estate, residential development or similar use, provide that: no more than two (2) such signs shall be erected on any frontage of any one property; the area on one side of any such sign shall not exceed twelve (12) square feet; and no such sign may be closer than ten feet (10') to the street right-of-way line.
- b. Professional, Home Occupation, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided that: one side of any sign shall not exceed four (4) square feet; no such sign shall be located within ten feet (10') of the street right-of-way line; one such sign shall be permitted for each permitted use or dwelling; and signs indicating a permitted non-residential use shall be erected on the property where the use exists.
- c. Signs advertising a lawful non-conforming use, provided that: the area on one side of such sign shall not exceed twelve (12) square feet; the sign shall be erected only on the premises on which such non-conforming use is located; and no more than two such signs shall be erected on any one street frontage.
- d. A sign necessary for the identification of a Public Utility Facility, provide that the area on one side of such sign shall not exceed four (4) square feet.
- e. A sign advertising the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that: the area on one side of any such sign shall not exceed twelve (12)

square feet; not more than one such sign shall be erected on any one street frontage; and no sign may be closer than ten feet (10') to the street right-of-way line.

- f. A sign denoting membership in an agricultural association or cooperative or indicating specialization in a particular breed of cattle, hogs, etc., provided that such sign shall not exceed six (6) square feet in area and that no more than one (1) sign shall be erected on any one street frontage.
 - g. Permanent identifying signs for the purpose of indicating the name of a multi-family complex and for the purpose of identifying the individual buildings within the complex provided that not more than one (1) sign shall be installed for each entrance to the complex and that such sign shall not exceed ten (10) square feet in area. Each sign to identify the individual buildings within the complex shall not exceed six (6) square feet in area.
 - h. Directional signs less than two (2) square feet in area located within a tract undergoing development, indicating the route to the sales office, model home, construction trailer, or similar structure.
5. Signs in Commercial and Industrial Districts (Ordinance No. 265)

Signs may be erected and maintained, provide that:

- a. No sign shall be readable from the rear of any property when the rear of that property abuts a residential district, nor shall any sign be readable from the side of any property when the side of that property abuts a residential district.
- b. Wall or free-standing signs shall be erected on the same lot as to the use to which they relate and shall not exceed two (2) square feet for each lineal foot of horizontal building façade length or a maximum of one hundred (100) square feet in area. No more than two (2) free-standing signs shall be erected on each lot.
- c. Free-standing signs shall be permitted in a back-to-back configuration or in a V-type configuration meeting the following requirements:

- (1) Back-to-back signs shall be parallel and directly opposite each other and shall not be spaced more than fifteen (15) feet apart. The size and shape of the signs shall not deviate from each other and that shall utilize the same support structure.
 - (2) V-type signs shall be at least five (5) feet apart at the closest point and the interior angles shall not be greater than thirty (30) degrees. The size and shape of the signs shall not deviate from each other and they shall utilize the same support structure.
- d. A free-standing off-premises advertising sign of not more than thirty-two (32) square feet shall be permitted by right in all commercial and industrial zoning districts.
- e. A free-standing off-premises advertising sign greater than thirty-two (32) square feet and equal to or less than three hundred (300) square feet shall be a use by special exception along Interstate 176, Interstate 76, along PA Route 10 from Mineview Drive to Elverson Road, and along Main Street (Route 0023) from Interstate 76 (PA Turnpike) east to the Elverson Borough boundary. These signs must meet the following requirements:
- (1) The sign shall be setback a minimum of three hundred (300) feet from the boundary of any residential zoning district and from the boundary of any property on which a residential dwelling is located.
 - (2) The sign shall be setback a minimum of five hundred (500) feet from any street intersection, measured from the point of intersection of the centerline of the intersecting streets.
 - (3) The sign shall be setback a minimum of three hundred (300) feet from any other off-premise free-standing advertising sign and six hundred (600) feet from any back-to-back or V-type oriented free-standing off-premises sign.
 - (4) Free-standing off-premises advertising signs located on a limited access highway, as designated by the Pennsylvania Department of

Transportation, shall be setback a minimum of five hundred (500) feet from any other free-standing off-premises sign and six hundred (600) feet from and back-to-back or V-type oriented free-standing off-premises sign.

- (5) Each sign in a back-to-back or V-type orientation is permitted to be up to or equal to three hundred (300) square feet in area.
 - (6) A free-standing off-premises sign shall not exceed three hundred (300) square feet in area.
 - (7) An electronic free-standing off-premise advertising sign exceeding thirty-two (32) square feet in area will only be permitted along Interstate 176 and Interstate 76.
- f. The area of one side of a directional sign shall not exceed fifteen (15) square feet. No more than one (1) directional sign shall be erected on any one street frontage of any one property.
 - g. Special temporary promotional devices, signs or displays such as banners or pennants shall remain on display for a period not to exceed sixty (60) consecutive days. Banners shall not exceed twenty (20) square feet in area.
 - h. No more than two separate signs shall face any one street frontage on any one premise, except in the case of a building housing more than one (1) commercial or industrial use.
 - i. In the case of a building or a development housing more than one (1) commercial or industrial use, one (1) permanent identifying sign for the building or development, the area of one side of which shall not exceed one hundred (100) square feet, may be erected, except signs for buildings or developments fronting the Pennsylvania Turnpike shall not exceed two hundred (200) square feet on that side facing the Turnpike. Such signs shall be limited to one (1) sign per 2,000 lineal feet of frontage along the Turnpike and signs shall be located within sixty (60) feet of the Turnpike right-of-way line. In addition, for each commercial or industrial use located within that building or development, one (1) sign, the area of which shall not exceed twenty (20) square feet, may be attached to that portion of the building housing the use.

- j. Electronic signs meeting the provisions of this Ordinance.
6. Signs Prohibited in all Districts
- a. Signs which are obsolete structures not meeting construction standards, out-of-date political billboards, signs advertising defunct businesses and signs which have been erected without a building permit having been issued therefore.
 - b. Signs which are illegal under state law or regulations.
 - c. Signs that are not securely fixed on a substantial structure.
 - d. Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
 - e. Signs that prevent free ingress or egress from any doors, window or fire escape; or that are attached to a standpipe or fire escape.
 - f. Signs advertising a use no longer in existence or a product no longer available.
 - g. Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as specifically allowed in the Ordinance.
 - h. Flashing, blinking, twinkling, animated or moving signs of any type, except those portions of signs which indicate time and temperature.
 - i. Any sign on a mobile stand, wagon, trailer, wheels or a vehicle which can be moved from place to place and thereby is not permanently affixed to the ground.
 - j. Signs located or arranged in such a manner as to interfere with traffic through glare; through blocking of reasonable sight lines for streets, sidewalks, or driveways; through confusion with a traffic control device (by reason of color, location shape, or other characteristic); or through any other means.

Section 612. LOADING AREAS

Paved off-street loading and unloading spaces, with proper access from a street, common driveway, or alley, shall be provided on any lot on which a building for trade, business, or manufacturing is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel, and other service vehicles, shall be of such size, design, and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within the required front yards.

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

OFF-STREET LOADING:

<u>Gross Floor Area (square feet)</u>	<u>Spaces Required</u>
Office Buildings	
first 20,000 or fraction thereof	one (1)
each additional 40,000 square feet	one (1)
Warehouse of Wholesaling Establishment	
up to 2,000	none
2,001 to 10,000	one (1)
10,001 to 60,000	one (1) plus 1 additional space for each 25,000 square feet in excess of
60,001 and over	10,000 square feet three (3) spaces plus 1 additional space for each 50,000 square feet in excess of 50,000 square feet
Other Principal Uses	
up to 2,000	none
2,001 to 10,000	one (1)
10,001 to 40,000	one (1) plus 1 additional space for each 15,000 square feet in excess of 10,000 square feet

40,001 and over	three (3) spaces plus 1 additional space for each 30,000 square feet in excess of 50,000 square feet
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Section 613. OFF-STREET PARKING

1. 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 that would require additional parking facilities.
 - c. An existing building is altered so as to increase the amount of parking space required.
2. Each parking space shall have a minimum area of one-hundred sixty-two (162') square feet, and minimum dimensions of nine feet (9') by eighteen feet (18'). 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.
3. 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, except in the case of a shopping center, industrial park, or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property. In industrial districts, off-street parking shall not be permitted between the street line and the building setback line, except visitor parking.
4. 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.
5. 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.

6. All driveways and parking areas shall be paved in all Commercial and Industrial Zoning Districts and in the R-5 and R-6 Zoning Districts, and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed five percent (5%). Surface water shall not discharge onto public sidewalks or other premises.
7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
8. 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.
9. 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.
10. 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 for a full parking space.
11. 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. (i) Retail and Service Establishments, including Banks, not within a Shopping Center (see (2) below): One space for each 150 square feet of gross leasable area (exclusive of outdoor area devoted to special event sales, display and storage)
- (ii) Retail and Service Establishments, including Banks, within a Shopping Center (see (2) below): One space for each 200 square feet of gross leasable area (exclusive of outdoor area devoted to special event sales, display and storage)
- 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.
- g. Medical, Dental, and Paramedical Offices/Clinics: Four 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. Hospital: One and one-half spaces per bed.
- j. Funeral Home: One space for each four seats.
- k. Roadside Farm Stand: Not less than five spaces.
- l. 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.
- m. Bowling Alley: Five spaces per alley.

- n. Auditorium, Municipal Building, Place of Worship, Club or Lodge or other Places of Public Assemblage: One space for every three seats.
- o. Library or Museum: One space per 300 square feet of gross floor area.
- p. Nursery Schools: One space per employee plus one space for loading and unloading of children for each five children accommodated in the school.
- q. Elementary and Junior High Schools: One space per employee
- r. High Schools: One space per four students.
- s. Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment: One space per fifty square feet devoted to patron use.
- t. (i) Theater, not within a Shopping Center (see (2) below) One space for every three seats
- (ii) Theater, within a Shopping Center (see (2) below) One space for every four seats
- u. (i) Fast food restaurant, not within a Shopping Center (see (2) below) One space for every four seats plus one space for each employee on the largest shift
- (ii) Fast food restaurant, within a Shopping Center (see (2) below) One space for every 200 square feet of gross floor area plus one space for each employee on the largest shift
- (1) For any building or use not covered above, the Zoning Hearing Board, if an application is before the Board (otherwise the Planning Commission) shall apply the standard for off-street parking

spaces in the above schedule deemed to most closely approximate the proposed building or use.

- (2) For purposes of this paragraph 11, Shopping Center shall mean a development within the IOP Industrial Office Park District which includes at least two retail businesses with a combined building area of at least 150,000 square feet.

Section 614. PRIVATE RESIDENTIAL DRIVEWAYS

1. Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of the nearest street curb lines.
2. No driveway shall be less than ten feet (10') in width.

Section 615. STORAGE OF VEHICLES

Automotive vehicles or vehicular dwellings of any type without current license plates shall not be parked or stored on any residentially-zoned property other than in completely enclosed accessory buildings.

Section 616. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment (including boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment) shall be parked or stored on any lot in an R-5 or R-6 District except in a carport or enclosed building or in a rear yard. However, such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in any location not approved for such use.

Section 617. NON-CONFORMING BUILDINGS OR USES

1. Registration- In order to facilitate the administration of this ordinance, the Zoning Officer shall maintain an accurate listing of those non-conforming uses which are not permitted as a Use by Right in the district in which they are located, and for which no Special Exception or Variance has been granted. Such listing shall be a matter of public record and shall constitute sufficient notice to any transferee acquiring any right to use or own such property.

2. Abandonment- No non-conforming use may be re-established if the use is discontinued for a continuous twelve-month period. Vacation of land or buildings or the non-operative status of the use normally carried on upon the property shall be evidence of discontinuance.
3. Continuation- Any lawful use of a building or land existing at the effective date of this ordinance may be continued although such use does not conform to the provisions of this ordinance.
4. Change- No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be of the same or more restricted classification than the existing use and shall not be more detrimental to the district than the existing use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a Special Exception.
5. Expansion-
 - a. No non-conforming use shall be enlarged or increased upon ground not owned, leased, or under option to purchase at the time of the passage of this Ordinance.
 - b. No non-conforming use shall be enlarged or increased in a manner which will further violate any yard, area, and height regulations imposed by the Zoning District in which it is located.
 - c. No non-conforming use may be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board.
 - d. Total future expansion shall not exceed fifty percent (50%) of the area used at the time this Zoning Ordinance became effective.
 - e. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.
6. Damage or Destruction- Any building or structure which is totally destroyed by any means may be rebuilt and used for the same non-conforming use as long as the basic structural elements of the original buildings are retained. Such determination shall be made by the Township Zoning Officer. The reconstructed portions of a non-conforming building shall conform to the area,

height, and bulk regulations of the Zoning District in which it is located.

Section 618. NON-CONFORMING LOTS

1. Lots Included in Approved Plans- Any lot shown on a recorded subdivision plan on the effective date of this Ordinance, which does not meet the minimum area and size requirements of the Zoning District in which it is located, may be used for any use permitted in that district provided that all yard, height, and open space requirements shall be met. The Zoning Hearing Board may grant a variance from the yard and open space requirements as long as water supply and sewage disposal facilities have been certified as adequate by the Township Engineer.
2. Lots Held in Single and Separate Ownership- Any lot held in single and separate ownership at the effective date of this Ordinance which does not meet the minimum area and size requirements of the Zoning District in which it is located, may be used for any use permitted in that district provided that all yard, height, and open space requirements are met. If the plans for the proposed use shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the Zoning Regulations for the district, and the water supply and sewage disposal facilities are certified as adequate by the Township Engineer, a variance from the yard and open space requirements may be granted.

Section 619. PUBLIC UTILITY CORPORATION

1. The restrictions of this Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
2. The restrictions of this Ordinance shall not apply to any existing or proposed building or extension thereof used by any Municipal Authority, organized according to the laws of the Commonwealth of Pennsylvania, if the existing or proposed Activity or Construction meets all area, yard and height regulations for the particular district in which it is located, or after Hearing before the Board of Supervisors it is determined that the proposed use or construction is reasonably

necessary for the convenience and welfare of the public and will not adversely affect the health, safety or welfare of the surrounding residents.

Section 620. 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 driver's 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 (3') and below ten feet (10'), measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the center lines of the intersecting streets.

Section 621. SLOPE CONTROLS

1. Designation of Area
 - a. Areas to be regulated under this Section shall be indicated on a map, copies of which shall be maintained by the Township Planning Commission and the Zoning Officer. If a property is located in an area subject to slope controls, the Zoning Officer shall indicate this fact on the Building Permit.
 - b. The area subject to slope controls shall be determined using maps and data comprising the Soil Survey of Berks County of 1970, Berks County Soil Conservation Service, as supplemented and amended.
2. Uses Permitted by Right
 - a. Parks and outdoor recreational uses when permitted by the prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.
 - b. Open areas or yards, subject to the restrictions of this Ordinance.
 - c. Buildings, permitted by the prevailing zoning district regulations, constructed in accordance with the regulations of the prevailing zoning district, provided that no portion of the building

is constructed on a slope whose grade exceeds twenty-five percent (25%).

- d. Agricultural uses when conducted in conformance with conservation practices that ensure sufficient protection against soil erosion, and when permitted by the prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.
- e. Woodland preserve, wildlife sanctuary, game preserve, or other similar use when permitted by the prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.

3. Uses by Special Exception

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

4. Boundary Disputes and Appeals Procedures

- a. Should a dispute concerning the boundaries of those areas subject to slope controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Subsection One (1) of Section 621 of this Ordinance.
- b. Any person aggrieved by this decision, claiming that the criterion listed in Subsection One of this Ordinance is incorrect, may appeal to the Zoning Hearing Board as provided for in Section 807 of this Ordinance.
- c. The burden of proof shall be on the person appealing the decision of the Zoning Officer.
- d. If it is determined that the Soil Survey maps are inaccurate regarding the land in question, and that the area in question should not be subject to slope controls, the Zoning Officer shall be

notified that slope controls will not apply to the land in question.

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

Section 622. FLOOD PLAIN DISTRICT ZONING CONSTRUCTION AND DEVELOPMENT REQUIREMENTS

1. General Provisions

a. Intent

The intent of this Section 622 is to:

- (1) Promote the general health, welfare, and safety of the community.
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- (3) Minimize danger to public health by protecting water supply and natural drainage.
- (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- (5) Comply with federal and state floodplain management requirements.

b. Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken any construction or development anywhere within the Township unless a Building Permit has been obtained from the Building Permit Officer.

c. Abrogation and Greater Restrictions

This Section 622 supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Section 622, the more restrictive shall apply.

d. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Section 622 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section 622 does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Section 622 shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Section 622 or any administrative decision lawfully made hereunder.

2. Administration

a. Notice Prior to Issuance of Building Permit

Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966 -537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978 - 325, as amended); the Pennsylvania Clean Streams Act (Act 1937 - 394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by

such action have been notified by the Township and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community & Economic Development Strategic Planning and Operations Office shall be notified by the Township prior to any alteration or relocation of any watercourse.

b. Building Permit Application Procedures and Requirements in Flood Plain Areas

In addition to the building permit requirements elsewhere in this Ordinance, if any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Part 5.b of this Section) as may be required by the Building Permit Officer to make the above determination:

- (1) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities;

- (2) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b) The elevation of the one hundred (100) year flood;
 - c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - d) Detailed information concerning any proposed floodproofing measures.
- (3) The following data and documentation:
 - a) A document, certified by a Registered Professional Engineer or Architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - b) Detailed information needed to determine compliance with Part 4.d.6, Storage, and Part 4.e, Development Which May Endanger Human Life, including:
 - (i) The amount, location and purpose of any materials or substances referred to in Parts 4.d and 4.e which are intended to be used, produced, stored or otherwise maintained on site.

(ii) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Part 4.e during a one hundred (100) year flood.

c) A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

3. Identification of Floodplain Areas

a. Identification

The identified floodplain area shall be those areas of Caernarvon Township which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated December 5, 1997 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

b. Description of Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- (1) FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- (2) FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE

Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- (3) FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

c. Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

d. Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township

Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

4. Technical Provisions

a. General

- (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office shall be notified prior to any alteration or relocation of any watercourse.

- (2) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

b. Special Requirements for FW and FA Areas

- (1) With any FW (Floodway Area), the following provisions apply:
 - a) Any new construction, development, use, activity, or encroachment that would cause any increase in one hundred (100) year flood heights shall be prohibited.
 - b) No new construction or development shall be allowed, unless a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering.
- (2) Within any FA (General Floodplain Area), the following provisions apply:

- a) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering.
 - b) Any new construction or development, which would cause any increase in one hundred (100) year flood heights shall be prohibited within any floodway area.
- c. Elevation and Floodproofing Requirements

(1) Residential Structure

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) Non-Residential Structures

a) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

b) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be

accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(3) Space below the lowest floor.

- a) Fully enclosed space below the lowest floor (including basement) is prohibited.
- b) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl space.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
- (iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to

remain dry, but shall comply, at a minimum, with the following requirements:

- a) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- b) Floor area shall not exceed 600 square feet.
- c) The structure will have a low damage potential.
- d) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- e) Power lines, wiring, and outlets will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.
- f) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- g) Sanitary facilities are prohibited.
- h) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.

(iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(1) Fill

If fill is used, it shall:

- a) Extend laterally at least fifteen (15) feet beyond the building line from all points;
- b) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes, are submitted to and approved by the Building Permit Officer; and
- e) Be used to the extent to which it does not adversely affect adjacent properties.

(2) Drainage Facilities

Storm draining facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(3) Water and Sanitary Sewer Facilities and Systems

- a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(5) Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(6) Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Part 4.e, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

(7) Placement of Buildings and Structures

All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(8) Anchoring

- a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(9) Floors, Walls and Ceilings

- a) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structure damage to the building.
- b) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- c) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- d) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

(10) Paints and Adhesives

- a) Paints and other finishes used at or below the Regulatory Flood Elevation

shall be of "marine" or "water-resistant" quality.

- b) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- c) All wooden components (doors, trims, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(11) Electrical Components

- a) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
- b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(12) Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

(13) Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

e. Development Which May Endanger Human Life

- (1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community & Economic Development as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a) Acetone
- b) Ammonia
- c) Benzene
- d) Calcium carbide
- e) Carbon disulfide
- f) Celluloid
- g) Chlorine
- h) Hydrochloric acid
- i) Hydrocyanic acid
- j) Magnesium
- k) Nitric acid and oxides of nitrogen
- l) Petroleum products (gasoline, fuel oil, etc.)
- m) Phosphorus
- n) Potassium
- o) Sodium
- p) Sulphur and sulphur products

- q) Pesticides (including insecticides, fungicides and rodenticides.
 - r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any FW (Floodway Area), any structure of the kind described in Item 1 above shall be prohibited.
 - (3) Within any FA (General Floodplain Area), any new or substantially improved structure of the kind described in Item 1 above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - (4) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Item 1 above shall be:
 - a) Elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood; and
 - b) Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

f. Special Requirements for Manufactured Homes

- (1) Within any FW (Floodway Area), manufactured homes shall be prohibited.
- (2) Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

- (3) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - a) Placed on a permanent foundation.
 - b) Elevated so that the lowest floor of the manufactured home is one and one-half (1-1/2) feet or more above the elevation of the one hundred (100) year flood.
 - c) Anchored to resist flotation, collapse, or lateral movement.

5. Activities Requiring Special Permits

a. General

In accordance with the administrative regulations promulgated by the Department of Community & Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

- (1) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - a) Hospitals
 - b) Nursing homes
 - c) Jails or prisons
- (2) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

b. Application Requirements for Special Permits

Applicants for Special Permits shall provide five (5) copies of the following items:

- (1) A written request including a completed Building Permit Application Form.

- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a) North arrow, scale and date;
 - b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f) The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - g) The location of all proposed buildings, structures, utilities and any other improvements; and
 - h) Any other information which the municipality considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly

drawn at suitable scale and showing the following:

- a) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - d) Detailed information concerning any proposed floodproofing measures;
 - e) Cross section drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades;
 - f) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
 - g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (5) The following data and documentation:
- a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

- c) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
- d) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
- e) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
- f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- i) Any evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the

course of a one hundred (100) year flood.

c. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article 2:

- (1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- (2) If an application is received that is incomplete, the Township shall notify the applicant, in writing, stating in what respect the application is deficient.
- (3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community & Economic Development by registered or certified mail, within five (5) working days after the date of approval.
- (5) Before issuing the Special Permit, the Township shall allow the Department of Community & Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- (6) If the Township does not receive any communication from the Department of Community & Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

- (7) If the Department of Community & Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

d. Special Technical Requirements

- (1) In addition to the requirements of Article 4 of this Section, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article 4 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- (2) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (i) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - (ii) The lowest floor (including basement) elevation will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

- b) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community & Economic Development.

6. Existing Structures in Identified Floodplain Areas

a. Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section b. shall apply.

b. Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- (2) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

- (3) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

7. Variances

a. General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

b. Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the following:

- (1) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- (2) Except for a possible modification of the one and one-half (1-1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit or to Development Which May Endanger Human Life (Part 4.e).
- (3) If granted, a variance shall involve only the least modification necessary to provide relief.
- (4) In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- (5) Whenever a variance is granted, the Township shall notify the applicant in writing that:

- a) The granting of the variance may result in increased premium rates for flood insurance.
 - b) Such variances may increase the risks to life and property.
- (6) In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
- a) That there is good and sufficient cause.
 - b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - c) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (7) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

Section 623. HOME OCCUPATION REGULATIONS

1. Only a resident of the dwelling unit shall be employed to practice an occupation carried out in any dwelling unit.
2. At least fifty percent (50%) of the goods available for retail sale shall be produced in the dwelling unit.
3. No storage of materials or products in open areas shall be permitted.

4. No display of products made shall be visible from the street.
5. There shall be no outside advertising other than one sign of no more than two (2) square feet in area on any one side.
6. No more than two persons shall be employed by the practitioner of the occupation to provide secretarial, clerical, or other assistance.
7. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat, or glare shall be perceptible at or beyond the lot boundaries.
8. No potentially dangerous effluent from operations shall be discharged.
9. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
10. Not more than the equivalent of thirty percent (30%) of the area of the first floor of the principal building may be used for the purposes of the home occupation.
11. 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 except in the case of dental, medical, or paramedical offices. Four (4) off-street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice.

Section 624. FENCES

1. In all residential districts, no fences or walls over six feet (6') in height may be erected.
2. In all districts, no fence, wall, or hedge may be erected or planted within the right-of-way lines of any street, nor may they encroach upon any right-of-way at any time.

Section 625. CORNER LOT RESTRICTIONS

On every corner lot, there shall be provided a yard - equal in depth to the front yard requirements of the particular Zoning District in which the corner lot is located - on each side of the lot which is adjacent to a street.

Section 626. AGRICULTURAL USE REGULATIONS IN INDUSTRIAL DISTRICTS

1. The minimum size of a lot shall be ten (10) acres.
2. No farm or other outbuilding, or dwelling, shall be constructed closer than 100 feet to any property line.
3. No slaughter area or manure storage shall be established closer than 300 feet to any property line.
4. All areas used for grazing shall be fenced.
5. No more than one farm dwelling shall be permitted for each five (5) acres of farm size.
6. Piggeries are prohibited.
7. The ownership of livestock shall not exceed 2 animals for every one acre of farm size.
8. The raising of poultry shall be limited to 1,000 birds.
9. No farm use may be maintained if it is conducted in a way which creates a danger to public health or safety.
10. The cultivation of mushrooms is not permitted.
11. The display and sale of farm products shall be permitted provided that:
 - a. At least 50 percent (50%) 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 stand 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 (50') from any street right-of-way line.

Section 627. RELATION TO TOWNSHIP SUBDIVISION ORDINANCE

No provision contained within this Ordinance shall exempt any person from complying with all requirements of the Township Subdivision and Land Development Ordinance.

Section 628. PLANNED RESIDENTIAL DEVELOPMENT

1. General

All Planned Residential Developments shall meet all of the applicable standards, provisions and requirements of this Ordinance and of the Township's Subdivision and Land Development Ordinance, except those standards, provisions, and requirements which may otherwise be specifically permitted by provisions of this Section.

2. Submission of Plans, Applications, and Required Supporting Information
 - a. Copies of the Tentative Plans for a proposed Planned Residential Development shall be submitted to the Township. The number of copies and distribution of plans shall be in accordance with the requirements of Section 302.2 of the Township's Subdivision and Land Development Ordinance.
 - b. Applications for Tentative Plans shall include any and all requests for waivers or modifications to the minimum standards of this Ordinance, and all other ordinances which may be incorporated herein by reference. Each request for waiver or modification shall cite the ordinance section and state the waiver or modification that is requested. Each request shall detail the reason that it is believed that the regulations would cause undue hardship or shall demonstrate an alternative standard if such alternative standard can be demonstrated to provide equal or better results. The burden of proof shall be on the applicant, and approval or denial of the requested modification or waiver shall be made by the Governing Body in writing within the sixty (60) days time period set forth in Section 628.5 below.
3. Public Hearing

Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to the requirements of this section, a public hearing pursuant to public notice on said application shall be held by the Governing Body in a manner prescribed by law.

The Governing Body may continue the hearing from time to time, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

The Municipality may offer a mediation option as an aid in completing the proceedings authorized by this section prior to final approval by the Governing Body. In exercising such an option, the Municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code, as amended.

4. Municipal Planning Commission and County Planning Commission Reviews

When a Tentative Plan has been officially submitted to the Township, such plan shall be forwarded to the Municipal Planning Commission and the County Planning Commission for review and recommendation.

5. The Findings

The Governing Body, within sixty (60) days following the conclusion of the public hearing provided for in this section, shall, by official written communication, to the landowner, either:

- a. Grant tentative approval of the development plan as submitted;
- b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- c. Deny tentative approval to the development plan.

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

The grant or denial of tentative approval by the Governing Body shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said

communication shall set forth with particularity in what respect the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

- a. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Municipality;
- b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- c. The purpose, location, and amount of Common Open Space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the Common Open Space, and the adequacy or inadequacy of the amount and purpose of the Common Open Space as related to the proposed density and type of residential development;
- d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
- e. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
- f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan.

In the event a development plan is granted tentative approval, with or without conditions, the Governing Body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which application for final approval of

each part thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

6. Status of Plan After Tentative Approval

- a. The official written communication provided for in this subsection shall be certified by the Municipal Secretary of the Governing Body and shall be filed in his office, and a certified copy shall be mailed to the landowner.

Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the Zoning Map.

- b. Tentative approval of a development plan shall not qualify a plat for the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed, or, in the case of development over a period of years, provided application are filed, within the periods of time specified in the official written communication granting tentative approval.
- c. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Governing Body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be

revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Municipality.

7. Application for Final Approval

a. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Municipality and within the time or times specified by the official written communication granting tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

b. Copies of the Final Plans for proposed Planned Residential Developments shall be submitted to the Township.

The number of copies and distribution of plans shall be in accordance with the requirements of Section 302.4 of the Township's Subdivision and Land Development Ordinance.

c. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official communication of tentative approval, the Municipality shall, within forty-five (45) days of such filing, grant such development plan final approval.

d. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Governing Body may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest.

In the event of such refusal, the landowner may either:

- (1) Refile his application for final approval without the variations objected to; or
- (2) File a written request with the Governing Body that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternative action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed by this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Governing Body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this section.

- e. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Governing Body and shall be filed of record forthwith in the office of the Recorder of Deeds of Berks County before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, as amended, of said Planned Residential Development or of that part thereof, as the case may be, that

has been finally approved, no modification of the provisions of said development plan, or parts thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with Section 513(a) of the Pennsylvania Municipalities Planning Code, as amended, and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, as amended.

- f. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved and shall so notify the Governing Body in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, as amended, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Ordinance in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code, as amended.

8. Development in Stages

A Planned Residential Development may be constructed in stages if the following criteria are met:

- a. The application for tentative approval shall be for the entire Planned Residential Development and shall show the location and approximate timing for construction of each proposed stage, in addition to all other information required by this Ordinance.
- b. That the first stage and all subsequent stages contain at least twenty (20) percent of the dwelling units given tentative approval. Each stage, to the extent possible, shall have the same ratio mix of dwelling unit as approved in the Tentative Plan.
- c. At least fifty (50) percent of all the dwelling units proposed are rented or sold prior to the construction of any commercial development.

- d. Gross stage residential density may be varied from stage to stage by a maximum of ten (10) percent of the gross residential density of the entire Planned Residential Development as approved. Where it is necessary to allocate Common Open Space to early stages to avoid exceeding maximum gross residential densities, the developer shall be required to grant Common Open Space easements or covenants to the Municipality, specifying the amount and location of such Common Open Space required to satisfy the density requirements on the plan.
- e. A schedule of residential, commercial, and public facility construction shall be submitted for approval by the Governing Body.
- f. The landscaping for each approved stage must be eighty (80) percent completed before proceeding to the next stage. No more than two (2) stages may be incomplete at any time.

9. Completion of Improvements, Guarantees, and Maintenance Thereof

All improvements guarantees, release of improvement guarantees, maintenance guarantees and remedies for completion of improvements for any Planned Residential Development shall be in accordance with the procedures and requirements of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code, as amended.

10. Tentative Plan Requirements

Tentative development plans shall include the following information:

- a. All plans shall be prepared, and shall contain all information as required by, Sections 301.6 and 401.3(a) through (e) of the Township's Subdivision and Land Development Ordinance;
- b. The location, size, and topography of the site and nature of the landowner's interest in the land proposed to be developed;
- c. The density of land uses to be allocated to parts of the site to be developed;

- d. The location and size of the Common Open Space and the form of organization proposed to own and maintain the Common Open Space;
- e. The use and the approximate height, bulk, and location of buildings and other structures;
- f. The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
- g. The substance of covenants, grants of easements or other restriction proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities;
- h. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
- i. The required modifications in the Municipal land use regulations otherwise applicable to the subject property;
- j. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
- k. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the Planned Residential Development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
- l. A written statement by the landowner setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Municipality;
- m. The approximate location and type of proposed recreational facilities; and
- n. A detailed impact evaluation of the effect of the Planned Residential Development on municipal services (i.e. police, fire, recreation); public facilities, utilities, and services; storm drainage; school district; and transportation

systems. The report shall compare the development of the site under the Planned Residential Development provisions and under conventional zoning.

11. Final Plan Requirements

- a. All plans shall be prepared, and shall contain all information as required by, Sections 301.6, 404, and 405 of the Township's Subdivision and Land Development Ordinance.
- b. The final draft of all documents required for tentative approval, including deed restrictions and covenants.

12. Eligibility

Planned Residential Developments are permitted in the following zoning districts:

- a. R-5 Zoning District
- b. R-4 Zoning District
- c. R-1 Zoning District whenever the tract within the R-1 abuts and R-5, R-4 and/or I-1 Zoning District and has a minimum of one thousand (1,000) feet abutting such districts.

13. Site Requirements

- a. The area to be developed under this section shall contain a minimum of one hundred (100) contiguous acres in R-1, ten (10) acres in R-4, and eight (8) acres in R-5. The area minimum shall not include any portion of the tract located within any existing right-of-way, wetlands, flood plains, or slopes in excess of 25%. The tract shall be considered contiguous even though it may be divided by a street right-of-way provided, however, that the street right-of-way does not exceed sixty (60) feet in width.
- b. The development shall be served by public water supply and public sewage disposal systems, or by a community water supply and sewage disposal system approved by appropriate local and state agencies.
- c. A minimum of forty (40) percent of the gross area of the development shall be in Common Open Space, with the following restrictions:

- (1) No individual Common Open Space shall be less than one (1) acre in size, or less than fifty (50) feet in width.
 - (2) No less than 25% nor more than 35% of the minimum required Common Open Space shall be improved for active recreational facilities, including, but not limited to such facilities as: lakes, playgrounds, swimming pools, tennis courts, baseball or other playing fields, recreation or community centers, or basketball courts.
 - (3) No roads, emergency access roads, driveways, or utility rights-of-way or easements shall be within the acreage designated for the minimum Common Open Space as required above.
 - (4) No more than one-quarter (1/4) of the Common Open Space shall be comprised of stormwater management retention or detention basins.
 - (5) At least eighty (80) percent of the Common Open Space shall be located within one-quarter (1/4) of a mile from all dwelling units.
- d. In the R-1 Zoning District the required minimum forty (40) percent of the gross area of the development to be in Common Open Space may be reduced to a minimum of thirty (30) percent provided the following conditions are met:
- (1) The allowable minimum density stated in Section 628.17c of two and one-half (2½) dwelling units per acre shall be reduced 0.0625 units per acre for each 1% reduction in open space to a minimum thirty (30) percent of the gross area of the development, subject to the requirements of Section 628.13c(1) through 628.13c(5).
 - (2) The lot area minimum stated in Section 628.18 shall be increased for single-family detached and single-family semi-detached to 12,000 square feet.

14. Permitted Uses in a Planned Residential Development

- a. In the R-1 District the following uses shall be permitted:

- (1) Single-family detached dwellings;
- (2) Two-family detached dwellings;
- (3) Single-family semi-detached dwellings;
- (4) Structures owned and operated by the Municipality;
- (5) Retail stores or service establishments for the exclusive use of the residents of the Planned Residential Development, provided, however, that no individual retail store or service establishment shall exceed three thousand five hundred (3,500) square feet in gross floor area, and the total area devoted to commercial use in any Planned Residential Development shall not exceed one (1) percent of the gross area of the Planned Residential Development; and
- (6) Community facilities and services, including but not limited to: day care centers, churches, and schools provided that the total of such uses shall not exceed one (1) percent of the gross area of the Planned Residential Development.

b. In the R-4 and R-5 Zoning Districts the following uses are permitted:

- (1) Single-family detached dwellings;
- (2) Single-family semi-detached dwellings;
- (3) Two-family detached dwellings;
- (4) Two-family semi-detached dwellings;
- (5) Townhouses; and
- (6) Apartment Buildings.

15. Permitted Accessory Uses in a Planned Residential Development - Located On The Same Lot With The Permitted Principal Use

- a. Private garages or private parking areas;
- b. Off-street parking facilities;

- c. Temporary sales office and sample homes;
 - d. Recreational facilities, including but not limited to lakes, ponds, picnic areas, swimming pools, tot-lots, playgrounds, boat docks, nature trails, and other passive recreational facilities;
 - e. Customary accessory uses, buildings, or structures, provided such are clearly incidental to the principal use.
16. Uses Permitted by Special Exception in a Planned Residential Development
- a. Agricultural uses, except for animal husbandry and animal grazing;
 - b. Home Occupations;
 - c. Accessory uses not located on the same lot with the permitted principal use.

17. Maximum Density

Maximum density shall be computed by dividing the gross tract acres, excluding existing rights-of-way, flood plains, wetlands, and slopes in excess of twenty-five (25) percent, by the number of dwellings units proposed. The maximum density shall be as follows:

- a. R-5 Zoning District - Eight (8) dwelling units per acre.
- b. R-4 Zoning District - Six (6) dwelling units per acre.
- c. R-1 Zoning District - Two and one-half (2.5) dwelling units per acre.
- d. Of the total number of units planned, the proportion for each building type shall be limited to the following:
 - (1) Single-Family Detached - 50% minimum
 - (2) Single-Family Semi-Detached - 25% maximum
 - (3) Two-Family Detached - 10% maximum
 - (4) Two-Family Semi-Detached - 10 % maximum
 - (5) Townhouses - 50% Maximum

(6) Apartments - 50% Maximum

18. Minimum Lot Size per Dwelling Unit

Single-Family Detached:

Area (sq. ft.)	6,500
Lot Width	
at street line	50'
at bldg. setback line	50'

Single-Family Semi-Detached:

Area (sq. ft.)	6,000
Lot Width	
at street line	30'
at bldg. setback line	40'

Two-Family Detached:

Area (sq. ft.)	12,000
Lot Width	
at street line	60'
at bldg. setback line	80'

Two-Family Semi-Detached:

Area (sq. ft.)	12,000
Lot Width	
at street line	60'
at bldg. setback line	80'

19. Minimum Yard Dimensions

Single-Family Detached:

Front Yard	20'
Each Side Yard	8'
Rear Yard	16'

Single-Family Semi-Detached:

Front Yard	20'
Each Side Yard	8'
Rear Yard	16'

Two-Family Detached:

Front Yard	30'
Each Side Yard	10'
Rear Yard	20'

Two-Family Semi-Detached:

Front Yard	30'
Each Side Yard	20'
Rear Yard	40'

20. Maximum Building Coverage and Height

<u>Single-Family Detached:</u>	
Building Coverage	35%
Building Height	
feet	35
stories	2.5
 <u>Single-Family Semi-Detached:</u>	
Building Coverage	35%
Building Height	
feet	35
stories	2.5
 <u>Two-Family Detached:</u>	
Building Coverage	35%
Building Height	
feet	35
stories	2.5
 <u>Two-Family Semi-Detached:</u>	
Building Coverage	20%
Building Height	
feet	35
stories	2.5

21. Design Standards

a. General

- (1) All design standards and requirements contained in the Township's Subdivision and Land Development Ordinance and elsewhere in the Zoning Ordinance shall apply, except as may be modified by this Section.
- (2) The minimum distance between any principal building and any accessory building or structure shall be ten (10) feet and no accessory building or structure shall be located less than ten (10) feet from any service street.
- (3) Street trees shall be planted along all streets, with a minimum of one four (4) inch caliper tree located adjacent to each front yard.
- (4) Streets shall be designed with a minimum thirty-three (33) foot right-of-way and a minimum twenty-eight (28) foot cartway. Sidewalks shall be provided in accordance with Section 502.15 of the Subdivision and

Land Development Ordinance. Where streets have the minimum cartway width of 28 feet, on-street parking shall be restricted to one side of the street. If a sidewalk is permitted on just one side of the street, street parking will only be permitted on that side.

- (5) Service Streets shall have a minimum right-of-way of twenty-four (24) feet and a minimum cartway of eighteen (18) feet for two-way traffic and twelve (12) feet for one-way traffic.
- (6) No parking shall be permitted on any street within a Planned Residential Development unless the street design meets the requirements of the subdivision ordinance. Where no on-street parking is provided, in addition to the required off-street parking, the applicant shall provide additional off-street parking at the rate of one (1) parking space for every two (2) residential units.

b. Townhouses

- (1) No group of townhouses shall consist of more than six (6) dwelling units.
- (2) Within any continuous group of townhouses, there shall be at least two (2) different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than three (3) continuous townhouses shall have the same front setback and the variation in front setback shall be at least four (4) feet.
- (3) The area designated for townhouses shall not exceed ten (10) dwelling units per acre.
- (4) Except for other townhouses within the same townhouse group, no townhouse shall be closer than fifty (50) feet to any other dwelling unit.
- (5) The minimum horizontal distance between groups of townhouses shall be:

- a) Two (2) times the average height of the two groups of townhouses for front or rear walls facing front or rear walls;
- b) One and one-half (1.5) times the average height of the two groups of townhouses for front or rear walls facing side walls; and
- c) Equal to the height of the highest building for side walls facing side walls.

c. Apartments

- (1) No apartment building shall be closer than fifty (50) feet to another dwelling.
- (2) The maximum length of an apartment building shall be one-hundred sixty (160) feet.
- (3) Apartments shall have the following minimum lot area:
 - a) A minimum of three thousand one hundred twelve (3,112) square feet of land shall be provided for each dwelling unit with one (1) bedroom.
 - b) A minimum of three thousand six hundred thirty (3,630) square feet of land shall be provided for each dwelling with two (2) bedrooms; and
 - c) A minimum of four thousand three hundred fifty six (4,356) square feet of land shall be provided for each dwelling unit with three (3) or more bedrooms.

22. Ownership and Management of Common Open Space, Utilities, Common Areas, and Facilities

- a. The landowner of every Planned Residential Development shall submit with the Final Plan documents creating and governing the organization for the ownership and maintenance of the Common Open Space, recreation facilities, utilities, common areas, and facilities (hereinafter "Common Areas") within the Planned Residential Development.

The landowner shall either (a) dedicate the Common Areas to public use of the Municipality, or other public agency that has indicated it will accept such dedication; (b) retain ownership and responsibility for ownership and maintenance; or (c) provide for and establish one or more organizations for the ownership and maintenance of all Common Areas. In the case of (c) above, such organization(s) shall be a non-profit homeowners association.

- b. If a homeowner association is used to own and maintain Common Areas, the following minimum requirements shall be incorporated into the association's regulations:
 - (1) Membership in the organization shall be mandatory for all purchasers of dwelling units and their successors.
 - (2) The organization shall be responsible for the maintenance, insurance, taxes, and other assessments on Common Areas.
 - (3) The members of the organization shall share equitably all the costs incurred, in accordance with the procedures established by them.

- c. In the event that the organization established to own and maintain Common Areas, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the Common Areas in reasonable order and condition in accordance with the development plan, the Municipality may serve written notice upon such organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the Common Areas in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing the Municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Municipality, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the Common Areas from becoming a public nuisance, may enter upon said Common Areas and maintain the same for a period of one (1) year. Said maintenance by the Municipality shall not constitute a taking of said Common Areas, nor vest in the public any rights to use the same.

Before the expiration of said year, the Municipality shall upon its initiation or upon request of the organization theretofore responsible for the maintenance of the Common Areas, call a public hearing upon notice to such organization, or to the residents of the Planned Residential Development, to be held by the Governing Body or its designated agency, at which hearing such organization or the residents of the Planned Residential Development shall show cause why such maintenance by the Municipality shall not, at the option of the Municipality, continue for a succeeding year. If the Governing Body, or its designated agency, shall determine that such organization is ready and able to maintain said Common Areas in reasonable condition, the Municipality shall cease to maintain said Common Areas at the end of said year. If the Governing Body or its designated agency shall determine that such organization is not ready and able to maintain said Common Areas in reasonable condition, the Municipality may, in its discretion, continue to maintain said Common Areas during the next succeeding year, and subject to a similar hearing determination, in each year thereafter.

The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the Common Areas, and shall become a lien on said properties. The Municipality at the time of entering upon said Common Areas for the purpose of maintenance shall file a notice of lien in the office of the prothonotary, upon the properties affected by the lien within the Planned Residential Development.

1. Purpose and Intent

It is the intent of this section to provide, pursuant to Section 605(3) of the Municipalities Planning Code, as amended, an optional approach to land development which will permit the more efficient utilization of land and encourage conservation of open space and other environmental amenities.

Minimum lot size, lot width, setback requirements, and maximum building coverage applicable in the R-2, R-3, R-4, R-5, and R-6 zoning districts for single-family detached dwellings and in the R-4 and R-5 zoning districts for two-family detached dwellings may be varied, subject to the requirements and conditions of this section.

2. Eligibility

a. Cluster Developments shall meet all of the applicable standards, provisions, and requirements of this Ordinance and of the Township's Subdivision and Land Development Ordinance, except those standards, provisions, and requirements which may otherwise be specifically permitted to be varied by provisions of this section.

b. The minimum tract size for all Cluster Developments shall be ten (10) acres in all applicable zoning districts, exclusive of any portion of the tract located within any existing rights-of-way, wetlands, 100-year flood plains, or slopes in excess of 25%.

3. Maximum Density

The maximum number of single-family and/or two-family detached dwellings shall be computed by dividing the gross tract acres (exclusive of existing rights-of-way, wetlands, 100-year flood plains, wetlands and slopes in excess of 25%) by the minimum lot size requirements in the applicable zoning district.

4. Minimum Lot Size per Dwelling Unit

The minimum lot size, as required in the applicable zoning district, may be reduced up to fifty (50) percent provided that:

- a. The lot area proposed is sufficient to accommodate on-site water and on-site sewage disposal, if applicable.
 - b. The balance of the tract (total tract minus platted lots and streets rights-of-way) is permanently preserved and maintained as Common Open Space.
5. Minimum Yard Dimensions and Maximum Building Coverage

The minimum yard dimensions may be reduced up to fifty (50) percent in all zoning districts. The maximum building coverage may be increased up to fifty (50) percent in the R-3, R-4, R-5, and R-6 zoning districts for Single-Family dwellings using on-site sewage disposal or public sewage and on-site water; up to fifty (50) percent for two-family dwellings in the R-4 district using on-site sewage disposal; and up to one-hundred percent (100%) in the R-2 zoning district.

6. Development in Stages

Cluster Developments may be constructed in stages if the following criteria are met:

- a. The application for Preliminary Plan approval shall be for the entire development and shall be submitted in accordance with, and shall meet the requirements of, the Municipality's Subdivision and Land Development Ordinance.
- b. The first stage and all subsequent stages contain at least twenty-five (25) percent of the dwelling units given tentative approval. Each stage, to the extent possible, shall have the same ratio mix of dwelling unit as approved in the tentative plan.
- c. Gross stage residential density may be varied from stage to stage by a maximum of ten (10) percent of the gross residential density of the entire development approved. Where it is necessary to allocate Common Open Space to early stages to avoid exceeding maximum gross residential densities, the developer shall be required to grant Common Open Space easements or covenants to the Municipality specifying the amount and location of such Common Open Space required to satisfy the density requirements of the plan.
- d. The proposed improvements for each approved stage must be eight (80) percent completed before

proceeding to the next stage. No more than two (2) stages may be incomplete at any time.

- e. A schedule showing the proposed timing for which application for final approval of all sections of the Cluster Development are intended to be filed must be submitted to the Municipality at the time of filing a Preliminary Plan and the schedule must be updated annually, on the anniversary of approval of the Preliminary Plan.

7. Common Open Space Requirements

A minimum of forty (40) percent of the gross area of the development shall be in Common Open Space, with the following restrictions:

- a. No individual Common Open Space shall be less than one (1) acre in size, or less than fifty (50) feet in width.
- b. Common Open Space shall be suitable for active and/or passive recreational use.
- c. No roads, emergency access roads, driveways, or utility rights-of-way or easements shall be within the acreage designated for the minimum Common Open Space as required by this Section.
- d. No more than one-quarter (1/4) of the required Common Open Space shall be comprised of storm water management retention or detention facilities.

8. Ownership and Management of Common Open Space

- a. The landowner of every Cluster Development shall submit with the Final Plan documents creating and governing the organization for the ownership and maintenance of the Common Open Space and recreation facilities within the Cluster Development.
- b. The landowner shall either (1) dedicate the Common Open Space and recreation facilities to public use of the Municipality, or other public agency that has indicated it will accept such dedication; (2) retain ownership and responsibility for ownership and maintenance; or (3) provide for and establish one or more organizations for the ownership and maintenance of all Common Open Space and recreational facilities. In the case of (3) above,

such organization(s) shall be a non-profit homeowners association.

- c. If a homeowners association is used to own and maintain Common Open Space and recreational facilities, the following minimum requirements shall be incorporated into the association regulations:
- (1) Membership in the organization shall be mandatory for all purchasers of dwelling units and their successors.
 - (2) The organization shall be responsible for the maintenance, insurance, taxes, and other assessments on Common Open Space and recreational facilities.
 - (3) The members of the organization shall share equitably all the costs incurred, in accordance with the procedures established by them.
- d. In the event that the organization established to own and maintain Common Open Space, or any successor organization, shall at any time after establishment of the Cluster Development fail to maintain the Common Open Space in reasonable order and condition in accordance with the development plan, the Municipality may serve written notice upon such organization or upon the residents and owners of the Cluster Development setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing the Municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Municipality, in order to preserve the taxable values of the properties within the Cluster Development and to prevent the

Common Open Space from becoming a public nuisance, may enter upon said Common Open Space and maintain the same for a period of one (1) year. Said maintenance by the Municipality shall not constitute a taking of said Common Open Space, nor vest in the public any rights to use the same.

Before the expiration of said year, the Municipality shall upon its initiation or upon request of the organization theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such organization, or to the residents of the Cluster Development, to be held by the Governing Body or its designated agency, at which hearing such organization of the residents of the Cluster Development shall show cause why such maintenance by the Municipality shall not, at the option of the Municipality, continue for a succeeding year. If the Governing Body, or its designated agency, shall determine that such organization is ready and able to maintain said Common Open Space in reasonable condition, the Municipality shall cease to maintain said Common Open Space at the end of said year. If the Governing Body or its designated agency shall determine that such organization is not ready and able to maintain said Common Open Space in reasonable condition, the Municipality may, in its discretion, continue to maintain said Common Open Space during the next succeeding year, and subject to a similar hearing determination, in each year thereafter.

The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the Cluster Development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The Municipality at the time of entering upon said Common Open Space for the purpose of maintenance shall file a notice of lien in the office of the prothonotary, upon the properties affected by the lien within the Cluster Development.

Section 630. Farm Related Occupation Regulations

Within the Effective Agricultural Preservation District, a farm related occupation may be permitted as a Use By Right. The proposed farm related occupation is subject to the following standards:

1. For the purposes of this Ordinance, farm occupations may involve any one of a wide range of uses, so long as the use is compatible with the primary agricultural use of the land. The applicant must demonstrate that the farm occupation is compatible with the rural setting and will not create nuisances for nearby residences.
2. No more than the equivalent of three (3) full time non-resident employees of the farm parcel shall be employed by the farm related occupation.
3. The farm related occupation shall occupy an area no greater than a maximum of four thousand (4,000) square feet of gross floor area.
4. The maximum acreage devoted to a farm related occupation (including the structure, parking, storage, and driveway if separate) shall be no more than three (3) contiguous acres.
5. Where practicable, farm related occupations shall be conducted within an existing farm building. However, any new building constructed for use by the farm related occupation shall be:
 - a. located at least one hundred feet (100') from rear and side property lines,
 - b. meet current front setback requirements,
 - c. be located within one hundred feet (100') feet of existing farm buildings.
6. Off-street parking shall be provided per Section 613 of the Caernarvon Township Zoning Ordinance.
7. Any outdoor storage of supplies, materials or products shall be located one hundred feet (100') from property lines. Such outdoor storage shall also be screened from adjoining roads and properties.
8. One (1) outdoor sign shall be permitted for a farm related occupation. Such signs shall not exceed ten (10) square feet in total area.

Section 631. Farm Related Businesses

Within the Agricultural District, farm-related businesses may be permitted on active farm tracts or otherwise by Special Exception. All activities and services should be directed at meeting the needs of those engaged in local farming. "Local farming" is considered to include customers

whose primary farming activity is conducted within twenty-five (25) miles of the location of the farm-related business. The facility should be directed at providing materials and services necessary to local farming and the processing and distribution of goods produced on the farm. Therefore, the applicant must provide evidence to the Zoning Hearing Board that the proposed use is important to local farming and is specifically sized to primarily serve local users. Fifty percent (50%) of the revenue from such activities and services must derive from local farming customers. Additionally, farm-related businesses are subject to the following standards:

1. For the purposes of this Ordinance, farm-related businesses may involve the following types of uses.
 - a. facilities for the manufacturing, warehousing, sales, repair and service of agricultural equipment, vehicles (including carriages and buggies), or supplies;
 - b. blacksmith shops, farrier, harness making;
 - c. butcher shops;
 - d. kennels;
 - e. processing of locally produced agricultural products;
2. The maximum lot coverage of a building for a farm-related business shall be 0.4 acres.
3. The farm-related business shall occupy no more than five (5) acres. The applicant shall show that the size of the site is the minimum needed to conduct the farm-related business.
4. The length of any access drive shall be sufficient to accommodate delivery and customer vehicles.
5. Any building constructed for use by the farm-related business shall be of a type so that it can be converted to agricultural use in the event the farm related business is discontinued (e.g. barn or shed).
6. Farm-related businesses shall not be permitted within one hundred feet (100') of any property line.
7. Composting and other farm waste storage facilities shall not be permitted within two hundred feet (200') of any property line. Additionally, any use permitted

under Subsection (1) of this Section may require greater or equal setbacks as determined by the Zoning Hearing Board.

8. Any outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.
9. One outdoor sign shall be permitted for a farm-related business. Such sign shall not exceed ten (10) square feet in total area.
10. If in the opinion of the Zoning Hearing Board, a proposed farm-related business presents a fire hazard, emits smoke, dust or other air pollutants, noise, light and glare, or creates a nuisance as a result of the hours of operation, the Board may attach reasonable conditions as it deems appropriate to adequately control and/or mitigate the potentially detrimental effects that any such farm-related business may have on the surrounding area.
11. No construction or other improvements required to support a farm-related business will be permitted except pursuant to an approved Land Development Plan.

Section 632. Standards for Nurseries, Greenhouses, and Tree Farms

1. When direct sales to the general public are part of such operations, the Agricultural Business Standards shall apply.
2. Sufficient off-street area shall be provided to allow maneuverability, parking, and loading of delivery and supply trucks or other vehicles.
3. Greenhouses shall be included in the impervious coverage of the tract whether or not the cover material is permanent.
4. Sufficient off-street parking shall be provided per Section 613 of this Ordinance.

Section 633. Standards for Roadside Stands

1. The area of where the products are displayed or sold shall not exceed 800 square feet.
2. The stand shall be at least 50 feet from an intersection and shall be at least 25 feet from the

edge of the legal right-of way line of any adjoining street.

3. The stand shall be portable, shall be maintained in good condition, and shall be removed during seasons when products are not being offered for sale; except that, a stand may remain in place throughout the year if it would be located a minimum of 100 feet from the existing street right-of-way line.
4. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Section 613 of this Ordinance. Parking shall be provided for a minimum of five vehicles.
5. Fifty (50) percent of the products sold must be grown on the farm on which the roadside stand is located.

Section 634. Standards for Kennels

1. All buildings in which animals are housed shall be located at least 200 feet from all lot lines or existing street right-of-way lines.
2. All kennels shall comply with all applicable State codes and regulations.
3. No kennel shall be located on less than 4 acres.
4. Buildings shall be adequately sound-proofed so that sound generated within the buildings cannot be perceived at the lot lines.
5. Outdoor pens, feed yards, and runs shall be:
 - a. 200 feet from any residential lot line
 - b. 100 feet from an existing street right-of-way
6. A plan meeting the requirements of the Subdivisions and Land Development Ordinance for landscaping and vegetative buffering is required.
7. Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond the lot boundaries.

8. No dogs shall be permitted outdoors between the hours of 8:00 p.m. and 8:00 a.m.

Section 635. Standards for Bed and Breakfast

1. The maximum number of rooms for rent shall not exceed four (4).
2. Adequate sewage disposal capacity shall be provided in accordance with the Pennsylvania Department of Environmental Protection Regulations.
3. Adequate parking for vehicles shall be provided in accordance with Section 613 of the Caernarvon Township Zoning Ordinance.
4. No cooking facilities are permitted within the rooms for rent.

Section 636. Standards for Horseback Riding School and/or Riding Stable

1. Includes the keeping of horses or similar animals for use by other than a single household.
2. The use shall be conducted on a lot no smaller than five (5) acres in size.
3. New barns, animal shelters, stables, feed yards or manure storage areas shall not be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all residential lots.
4. Additions to existing barns, animal shelters, stables, feed yards or manure storage areas shall not be located closer than 150 feet from all exterior property lines.

Section 637. Communications Antennas, Communications Equipment Buildings and Communications Towers Regulations

The following regulations for communications antennas, communications equipment buildings and communications towers shall apply in any Zoning District where these users are permitted by Right or by Special Exception:

1. Building mounted Communications Antennas shall not be located on any Single-Family dwelling, two family dwelling or multi-family dwelling.
2. Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20)

feet.

3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania Registered Professional Engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Code Enforcement Officer for compliance with the Township's Building Code and other applicable laws.
7. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
8. Any applicant proposing to construct a Communications Tower or Communications Equipment Building shall submit a Subdivision and/or Land Development Plan to the Caernarvon Township Planning Commission for review and approval. The plan shall include the latitude, longitude and height of the Communications Tower or Communications Equipment Building.
9. Any applicant proposing to construct a Communications Tower or Communications Equipment Building shall submit a copy of the Land Development Plan to the Reading Regional Airport and the Morgantown Airport. The applicant shall show proof to the Township of notifying the airports either with a certified return receipt card or a letter from the airport.
10. Communications Antennas shall not cause radio frequency interference with other communications facilities

located in Caernarvon Township.

11. Each operator of a permitted antenna shall be permitted to construct one (1) Communications Equipment Building. Each Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure, and shall have a maximum building coverage of two hundred fifty (250) square feet.
12. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.
13. Communications antennas shall be built, constructed and erected according to the then prevailing national standards.

The operators of any facility for which an application is submitted pursuant to this Ordinance shall comply with the then current American National Standards Institute (ANSI) and electronics engineers (IEEE) standards - or more stringent standards if promulgated by the Federal Communications Commission for safe human exposure to radio frequency electromagnetic fields.

14. All Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. shall be of stealth design unless clearly impractical and shall be so designed and maintained to blend in with the existing structure to the greatest extent feasible and, further, shall be designed and maintained to blend in with existing surroundings to the greatest extent feasible, including the use of compatible colors and disguised structures.
15. The maximum height of a communications tower shall never exceed two hundred feet (200') in total height. Where a Communications Antenna is proposed to be mounted or attached to an existing Communications Tower, building or other structure, the Communications Antenna shall not exceed the existing height of the structure by more than 20 feet.

Section 638. Standards for Communications Antennas, Communications Equipment Buildings and Communications Towers

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower,

if applicable, and Communications Antennas.

2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

All applications shall include a sworn Affidavit from a licensed Radio Frequency Engineer that the proposed placement of a Communications Antenna, a Communications Equipment Building, or a Communications Tower (or any combination thereof) will not interfere with the public safety, communications, and the usual and customary transmission or reception of radio, television or other communication services enjoyed by adjacent residential and non-residential properties. If measurable interference does result from the installation and use of any of the foregoing, the operation of the facility shall cease until the problem is corrected. If the problem is not correctable, the facility shall be dismantled and removed from the site.

3. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
4. The applicant shall demonstrate that a good faith effort has been made to design, build and construct the communications tower to blend in with its surroundings.
5. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures over 35 feet in height within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and offered fair compensation for mounting a Communications Antenna on an existing structure and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

- b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
6. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
 7. A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel meeting the minimum lot size requirements for the Zoning District, however, in no case will the size of the leased parcel be required to be larger than one (1) acre.
 8. Recording of a plat of subdivision or land development shall be required for a lease parcel on which a Communications Tower is proposed to be constructed.
 9. The applicant shall demonstrate that the proposed height of the communications tower or antennas is the minimum height necessary for the facility to function properly, unless the Applicant can demonstrate that the purpose of any increase in height beyond the minimum necessary height is required to allow for future co-location of additional facilities.
 10. The foundation and base of any communications tower or antennas shall be set back from a property line (not lease line) and street right-of-way line or ultimate right-of-way line at least one hundred feet (100').
 11. The communications equipment building shall comply with the required yards and height requirements of the

applicable Zoning District for an accessory structure.

12. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower or antennas will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/ Telecommunications Industry Association and applicable requirements of the Township's Building Code. The application shall include an engineering study demonstrating that in the event of a collapse of the tower, no part will fall beyond a one hundred foot (100') radius.
13. The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address, and emergency telephone number for the operator of the communications tower or antenna; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower or antenna.
14. All guy wires associated with guyed communications towers and antennas shall be clearly marked to be visible at all times and shall be located within a locked fenced enclosure, which shall be screened by vegetation and landscaping in accordance with Section 609-Landscaping.
15. The site of a communications tower or antenna shall be secured by a locked fence with a minimum height of eight feet (8') to limit accessibility by the general public. Said fence shall be screened by vegetation and landscaping in accordance with Section 609 - Landscaping.
16. Signs or lights shall be mounted on a communications tower and antenna as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or any other governmental agency, including the Caernarvon Township Zoning Hearing Board.
17. Communications towers and antennas shall be protected and maintained in accordance with the requirements of the Township's Building Code.
18. If a communications tower or antenna remains unused for a period of twelve (12) consecutive months, the owner

or operator shall dismantle and remove the communications tower within six (6) months of the expiration of the twelve (12) month period. The owner or operator shall submit a copy of the electric bill for the communications tower or antenna to the Township at least once every six (6) months to verify the continued operation of the communications tower.

Further, the owner or operator of the facility shall post security in a form acceptable to the Township in a sufficient amount to cover the facility removal, site cleanup and two (2) years of liability insurance for the facility prior to the issuance of any permits to construct or use said facility. The security shall be utilized by the Township in the event that the owner or operator of the facility fails to remove the facility within six (6) months of the aforesaid notice by the Township to remove the facility.

Exemption. A commercial communications tower or antenna necessary for and clearly used for emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations is exempt from the requirements of this Section.

19. A minimum of one (1) off street parking space shall be provided within the fenced area.
20. Communications towers shall be designed and constructed to accommodate the future addition of a minimum of two (2) additional antennas.
21. The Applicant (subsequent to approval) and any operator of a facility authorized under this Ordinance shall provide to the Township Secretary copies of the latest FCC information and standards regarding radio frequency electromagnetic fields. After approval of any facility authorized by this Ordinance, the facility operator shall submit information on the power intensity of the facility to the Township Secretary on an annual basis. This information shall demonstrate compliance with the then current FCC standards. After completion of any facility authorized by this Ordinance, any technical change which does in fact or could potentially increase the power or output of the facility shall be reported by the operator to the Township Secretary.
22. Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. shall be co-located where technically possible, i.e., where there is no substantial impairment to the quality of service.

All facility owners and operators shall cooperate with other existing communications providers in co-locating Communications Antennas, Communications Equipment Buildings, Communications Towers, etc. in the Township, unless there are substantial electronic, mechanical, structural or regulatory factors which prevent the sharing of facilities.

23. The Applicant shall demonstrate (using technological evidence) that the proposed facility has to be located where proposed in order to satisfy its function in the Applicant's grid system.

Section 639. Child Day Care Centers

1. No outdoor play area shall be closer than forty feet (40') to any lot line and shall be screened from adjoining residential properties following the requirements of Section 609 of the Zoning Ordinance.
2. There shall be a minimum of thirty (30) square feet of floor space per child in the indoor activity area, exclusive of offices, sanitary facilities, storage spaces and other auxiliary rooms.
3. There shall be a minimum of sixty (60) square feet of space per child in the outdoor activity area.
4. Off-street parking facilities shall consist of one (1) space per employee and a drop-off zone and/or parking spaces to accommodate one (1) car per four (4) children.
5. The use shall comply with any and all applicable County, State and Federal Regulations.

Section 640. No Impact Home-Based Business

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

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Section 650. General Agricultural Standards

1. Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities/uses as described below are permitted by right in the EAP District.
2. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals shall be limited to a maximum of 0.5 animal unit per acre on lands in which the land area is less than five (5) contiguous acres.
3. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals, shall be limited to a maximum of 1.0 animal units per acre on lands in which the land area is greater than five (5) contiguous acres, but less than twenty-five (25) contiguous acres.
4. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits or similar animals, shall be limited to a maximum of 2.0 animal units per acre on lands in which the land area is greater than twenty-five (25) contiguous acres.
5. The display and sale of farm products shall be permitted provided that at least fifty percent (50%) of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than twenty-five feet (25') from the applicable street right-of-way. In addition, off-street parking shall be designed

in accordance with Section 613 of the Caernarvon Township Zoning Ordinance.

6. No farm building or other accessory outbuilding shall be constructed closer than two hundred feet (200') to any residence, or fifty feet (50') from a property line, whichever is greater.

Section 651. Intensive Agricultural Standards

1. Unless specifically stipulated within this Zoning Ordinance, Intensive Agricultural activities are a permitted use by right within the Effective Agricultural Preservation Zoning District.
2. Agricultural activities that exceed the standards and provision specified under Section 650 (General Agricultural Standards) shall be construed as Intensive Agriculture.
3. All Intensive Agricultural activities shall be conducted on lands that exceed twenty-five (25) acres in size.
4. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals shall be limited to a maximum of 5.0 animal units per acre on lands in which the land area is greater than twenty-five (25) contiguous acres. Any use including more than 5.0 animal units per acre would require approval of a Special Exception.
5. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed Intensive Agricultural uses. The approved Nutrient Management Plan shall be submitted to the Township with the building application.
6. A Stormwater Management Plan shall be prepared pursuant to the Caernarvon Township Subdivision and Land Development Ordinance and approved by the Township Planning Commission for all proposed Intensive Agricultural uses.
7. A Soil Conservation Plan shall be prepared and approved by the Soil Conservation District for all proposed Intensive Agricultural uses. The approved Conservation Plan shall be submitted to the Township with the building application.

8. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems.
9. A site plan for buildings, manure structures, etc., to include sizes of structures, prevailing winds, distance to neighbor's buildings, boundaries, vegetation shall be submitted for review by the Planning Commission when application for building permit is submitted.
10. Any and all Intensive Agricultural uses and activities shall be reviewed by the Berks County Soil Conservation District and Berks County Cooperative Extension. Applicant must submit review letter at time building plans are submitted.
11. The applicant shall show that the applicant can meet the standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, DEP, Pennsylvania State University, College of Agriculture, or similar entity. These shall include "The Environmental Standards of Production for Large Pork Producers in Pennsylvania." In consideration of the application for Special Exception, the Zoning Hearing Board shall consider the ability of the applicant to meet the standards generally accepted in Pennsylvania for such Intensive Agricultural activities.
12. In consideration of the request for Special Exception, the Zoning Hearing Board shall consider the amount of traffic that may be caused by the proposed Intensive Agricultural activity and the condition of public roadways serving such activity. The applicant shall show that the proposed Intensive Agricultural activity will not overburden township or state roadways nor will it cause nuisance to other neighboring agricultural activities or residences.

Section 652. Development Permitted Within the EAP Zoning District

1. Single-family Detached Residential Development shall be permitted in the Effective Agricultural Preservation District (EAP), subject to a special exception hearing and to the development limitations and controls specified within this Section of the Ordinance.
2. Single-family Detached Residential Development must make a reasonable effort to conform to the following guidelines:

- a. Any residential lots shall be located on the least productive area(s) of the parent farm.
 - b. Any proposed lots shall be "clustered" or "grouped" in such a manner as to preserve the greatest extent of productive farm land as possible.
3. The total number of single-family dwelling units allowed in the EAP District in accordance with the size of tracts of land existing on June 8, 1999 is as follows:

Size of Original Tract of Land	Maximum Number of Dwelling Units
1 to 19 acres	2
20 to 49 acres	3
50 to 99 acres	4
100 to 149 acres	5
150 to 199 acres	6
200 to 299 acres	7
300 to 399 acres	8
400 to 499 acres	9
500 or more acres	10

4. The maximum number of permitted dwelling units listed above shall be in addition to all single-family residential dwellings and/or lots approved prior to the advertisement of the Effective Agriculture Preservation Zoning Ordinance of 1999 as long as they comply with the requirements of Section 544.
5. General agricultural and intensive agricultural land development activity shall be permitted within the Effective Agricultural Preservation (EAP) Zoning District, subject to the limitations and controls specified under this Section of the Ordinance. Unless otherwise specified within this Ordinance, no other land use or activity shall be permitted within the EAP Zoning District.
6. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling rights his tract may have, and such plans and building permit applications will include a conspicuous Agricultural Use Notification as follows: All lands within the EAP Zoning District in the Zoning Ordinance are located in an area where land is used for commercial agricultural production. Owners, residents

and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

ARTICLE VII
ADMINISTRATION

Section 700. INTERPRETATION AND APPLICATION

The provisions of the Zoning Ordinance, in their interpretations and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the Township. Any use, structure, building, or sign shall conform with all provisions of the Zoning Ordinance except for which an exception or variance may be granted. Nothing in the Zoning Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of the Zoning Ordinance, and which is completed within one (1) year of the effective date of the Zoning Ordinance.

Section 701. ZONING OFFICER

1. Appointment

The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of, the Board of Supervisors. He/she may be provided with assistance of such persons as the Board of Supervisors may, from time to time, direct.

2. Qualifications

The Zoning Officer shall, by adequate professional training and experience, be familiar with building procedures and terminology and with the responsibilities and proper application of the powers and duties of his/her office. He/she shall demonstrate proficient knowledge and understanding of the requirements of this Ordinance prior to appointment.

3. Compensation

The compensation of the Zoning Officer shall be determined by resolution of the Board of Supervisors.

4. Duties

The Zoning Officer shall have all the duties and powers conferred upon him/her by the Zoning Ordinance in addition to those reasonably implied for that purpose. He/she shall not issue a Building Permit or Certificate of Use and Occupancy in connection with any proposed erection, construction, alteration, extension,

replacement, conversion, and/or use of any building, structure, and/or land unless it first conforms with the requirements of the Zoning Ordinance and all other Ordinances of the Township. It shall be his/her duty and he/she shall have the power to:

- a. Receive all applications for building permits and issue permits within thirty (30) calendar days when there is compliance with the provisions of this Ordinance, other applicable Township and County regulations, and with the laws of the Commonwealth.
- b. Upon issuance of a Building Permit, to notify such other Township and County officials as may be affected by such issuance.
- c. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. In performing such duties, the Zoning Officer shall have the authority, including entry during daylight business hours, to inspect land, buildings, and structures built or altered under this ordinance, and upon satisfactory completion of said inspection, to issue a Certificate of Use and Occupancy within two (2) calendar days.
- d. Order in writing the correction of all conditions found to be in violation of the provisions of this Ordinance. Such written order shall be served personally, or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be in violation of this Ordinance.
- e. Institute, upon approval of the Board of Supervisors, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.
- f. Maintain and keep all records pertinent to all Zoning matters in the Township. Such records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amending Ordinances, the Official Zoning Map, and all other related information.

- g. Upon request of the Township Planning Commission, the Zoning Hearing Board, or the Board of Supervisors, present to such body, facts, records, data, and other related information to assist such body in its deliberations and decisions.
 - h. Perform such other duties as are assigned to the Zoning Officer by this Ordinance.
5. Relief from Personal Responsibility

The Zoning Officer, or any employee charged with the enforcement of the Zoning Ordinance, while acting for the Township, shall not thereby render him/herself liable personally if he/she acts in good faith and without negligence, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit instituted against any officer or employee because of an act performed by him/her in the lawful discharge of his/her duties shall be defended by the Legal Representative of the Township. In no case shall the Zoning Officer, or any of his/her staff, be liable for costs in any action, suit, or proceeding that may be instituted in pursuance of the provisions of the Zoning Ordinance when he/she and/or his/her subordinates perform their duties in good faith and without malice.

Section 702. BUILDING PERMITS

1. Requirements

A Building Permit shall be obtained from the Zoning Officer:

- a. for any new construction, erection, structural alteration, extension, relocation, or conversion of any building or structure;
- b. for the change of use of a building, structure, and/or land;
- c. for the replacement of any building or structure which has been destroyed, in whole or in part, by fire, natural cause, or by any other means; and
- d. for the demolition or razing of any principal building or structure.

Building Permit Not Required A building permit is not required:

- a. for general repairs or maintenance of any existing building or structure; provided that, the structural design or floor plan of said building or structure shall not be altered, extended, or converted in any way. Such repairs or maintenance shall include but are not limited to: painting, repair or replacement of existing windows, panes, doors, floors, ceilings, walls, roofs, porches, or siding;
 - b. for private sidewalks, walkways, paths.
2. No Building Permit Shall Be Issued Until:
- a. A Sewage Permit has been obtained from the Township Sewage Enforcement Officer for any on-site sewage disposal system; or, verification has been obtained from the Caernarvon Township Municipal Sewer Authority, or any private sewage disposal system, for connection thereto; and
 - b. in the case of a public building, the required permit has been obtained from the Pennsylvania Department of Labor and Industry.
3. Application Procedures

Application for a Building Permit shall be submitted in writing on a form prescribed by the Zoning Officer, by the owner or lessee of any building, structure, or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent, and shall contain the following:

- a. A map of the lot in question drawn to scale, indicating the lot size, and showing all dimensions of lot lines and the exact location(s) on the lot of all proposed buildings, fences, structures, and alterations to buildings or structures.
- b. A statement indicating the use, height, length, width, and proportion of the total lot area covered of all proposed and/or existing buildings, structures, or additions and alternations to a building.

- c. A statement indicating the number of families and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of apartment buildings, a breakdown of units by number of bedrooms shall be given.
- d. Where applicable, the number, location, and design of parking and loading areas, recreation areas, signs, buffer zones and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting throughout the tract.
- e. Method of proposed water supply and sewage disposal and the location of any on-lot facilities.

4. Approval or Disapproval

Upon receipt of the application, the Zoning Officer shall examine same to determine compliance with the Zoning Ordinance and any other Township Ordinances. Within thirty (30) days of receipt of application, the Zoning Officer shall either approve or disapprove the application and return one copy of the application containing the Zoning Officer's decision to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights to appeal to the Zoning Hearing Board. If the applicant fails to obtain a building permit from the Zoning Officer within three (3) months after the date of approval of the application, the approval of the application shall be considered null and void.

5. Insurance and Posting of Permit

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Board of Supervisors, the Zoning Officer shall issue a Building Permit placard which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of issuance provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of one (1) year.

6. Rights of Permit Holders

The permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

Section 703. CERTIFICATE OF USE AND OCCUPANCY

1. Requirements

It shall be unlawful to use and/or occupy any building, structure or land, or portion thereof, for which a building permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he/she has inspected such building, structure, or land, and has determined that all provisions of the Zoning Ordinance and other rules, regulations, and Ordinances of the Township, as well as State laws, rules, and regulations, have been complied with.

2. Issuance

Upon the receipt of written notification that the work for which a Building Permit has been issued has been completed, the Zoning Officer shall inspect the premises within forty-eight (48) hours to determine that the work has been performed in accordance with the approved application and other Ordinances of the Township. If he/she is satisfied that the work has been completed in accordance with the approved application, he/she shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he/she finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.

3. Temporary Certificate of Use and Occupancy

Upon request of the holder of a building permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign, and/or land, or portion thereof before the entire work covered by the permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work provided life and/or public health, safety, morals, and general welfare of the Township and its citizens and not endangered.

The Zoning Officer shall also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, use of land for religious and other public and semi-public purposes or other temporary use and/or occupancy upon order of the Board of Supervisors. Such temporary certificates shall be for the period of time to be determined by the Board of Supervisors, but in no case shall any certificates be issued for more than six (6) months.

Section 704. SIGN PERMITS

1. Scope

No sign, other than a sign indicating the name, profession, or activity of the occupant of a dwelling or the private nature of premises shall hereafter be erected, rebuilt, altered, relocated, or enlarged until a permit is issued by the Zoning Officer for such purposes.

2. Application Procedures

Applications shall be made in writing to the Zoning Officer on a form specified for such purpose, and shall contain the following:

- a. A detailed scale drawing of the sign showing its intended location and stating the method by which it will be affixed.
- b. A statement indicating the type of construction and the manner of installation and the materials to be used.
- c. The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.

d. A statement that the sign will be erected according to the accompanying plans and specifications.

3. Free-Standing Signs

If the sign is to be supported by a separate structure erected for that purpose, then the applicant shall furnish a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

4. Review Procedure

Permits shall be granted or denied within thirty (30) calendar days from the date of application. All approved permits together with the accompanying information shall be a public record. A certificate of Use and Occupancy shall be required for all permanent signs.

5. Denial

No sign permit shall be granted unless the application conforms to all requirements of this Ordinance and any other Ordinance of the Township pertaining thereto. If the application is denied, the Zoning Officer shall attach a statement to the application explaining the reasons thereof and informing the applicant of his/her rights of appeal to the Zoning Hearing Board.

6. Duration of Permit

All Sign Permits granted shall remain valid for a period of six (6) months. If, by the expiration of such time, the applicant has failed to erect the sign, or undertaken a significant portion of the work thereof, the Permit shall expire and a new Sign Permit shall be required.

ARTICLE VIII
ZONING HEARING BOARD

Section 800. CREATION AND MEMBERSHIP

There is hereby created a Zoning Hearing Board. As used in this Ordinance, unless expressly indicated otherwise, the term "Board" shall refer to the Zoning Hearing Board. Members of the Board shall be appointed by the Board of Supervisors. The Board shall consist of five members, whose terms shall be three years fixed so that the term of office of no more than two of the five members shall expire each year. Appointments to vacancies shall be only for the unexpired portion of the term. Members shall be residents of the Township and shall hold no other office in the Township. Of the two additional members appointed to create this five member board, one shall be appointed for a one year term and one shall be appointed for a two year term. Member shall be removable for cause by the Board of Supervisor in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended. The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternative member shall be three years. When seated pursuant to Section 801, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties of a member as otherwise provided by law. Alternates shall hold no other office in the municipality including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Section 801.

Section 801. ORGANIZATION

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and taking of any action, a quorum shall not be less than a majority of all the members of the Board but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 803.2. The Board may make, alter, and rescind rules and forms for its procedures, consistent with the Ordinances of the Township

and laws of the Commonwealth of Pennsylvania. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year. If by reason of absence or disqualification of a member a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case by case basis in rotation according to declining seniority among all alternates.

Section 802. EXPENDITURES

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

Section 803. HEARINGS

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

1. Notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of Ordinance provisions, by rules of the Board.

The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by Ordinance.

2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, but the parties

may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

3. The parties of the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
8. The Board or the hearing officer shall not communicate - directly or indirectly - with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to context the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
9. The Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application

within forty-five (45) days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on provisions of Act No. 247, the Pennsylvania Municipalities Planning Code, as amended, or of any Ordinance, rule or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his/her decision or findings are final, the Board shall make his/her report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the hearing officer. Where the Board has power to render a decision and the Board or hearing officer, as the case may be, fails to render the same within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

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

Section 804. FUNCTIONS

The Board shall perform the following functions:

1. To hear and decide appeals where it is alleged that the Zoning Office has failed to follow prescribed procedures or he/she misinterpreted or misapplied any provision of this Ordinance or Map or rules or regulations governing the actions of the Zoning Officer.
2. To hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. In any instance where the Zoning Hearing Board is required to consider a

variance, the Board shall not grant a variance unless it has determined:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the applicant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

The person applying for a variance shall introduce evidence at the hearing which will allow the Zoning Hearing Board to make these determinations or to decide that it cannot make these determinations and thus cannot grant a variance.

When considering requests for variances, the Board shall consider:

- a. Whether the proposed variance will impair the development of the Comprehensive Plan for the

Township and whether the proposed variance is inconsistent with the goals and policies of the Comprehensive Plan.

- b. Whether the surrounding streets are sufficient to handle any expected increase in traffic generated by the proposed use.
 - c. Whether the proposed variance is consistent with the spirit, intent and purpose of this Zoning Ordinance.
 - d. Whether the proposed variance will have an adverse effect upon the logical and economical extension of public services and facilities, such as public water, police, and fire protection and public schools.
 - e. Whether the applicant acquired the land or structure involved with a knowledge that he would subsequently request a variance.
3. To hear and decide requests for special exceptions where this Ordinance provides for special exceptions to be granted or denied by the Board pursuant to expressed standards and criteria.

No special exception shall be granted unless the Zoning Hearing Board shall determine that:

- a. The proposed use does not impair the development of the Comprehensive Plan.
- b. The surrounding streets are sufficient to handle any expected increase in traffic generated by the proposed use.
- c. The proposed use will not adversely affect the public health, safety, or general welfare.
- d. The required area, yard, and bulk requirements and all other requirements of the applicable Zoning District are met.
- e. All requirements of Article VI, General Regulations, of this Ordinance, are met.
- f. The proposed use is not incompatible with the use of adjacent land.
- g. Services and utilities are available to adequately service the proposed use.

In granting a Special Exception, the Board may require such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

4. To hear challenges to the validity of this Zoning Ordinance or map except as indicated in Section 807.5 or when a landowner appeals a substantive question regarding the validity of this Ordinance to the Board of Supervisors. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 803. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.
5. Where the Board has jurisdiction over a zoning matter pursuant to subsection 804.1, 804.2, and 804.4, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal Ordinance or requirement pertaining to the same development plan or development. In any case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 803. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
6. To exercise any other power specifically granted to the Board under the terms of this Ordinance provided these powers are not in conflict with the functions listed above.

In exercising the above-mentioned functions, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination including any order requiring an alleged violator to stop, cease and desist, or discontinue and may make such order, requirement, decision or determination, including a stop order or orders to cease and desist as ought to be made.

Section 805. SPECIAL EXCEPTIONS

Applications for those uses permitted as Special Exceptions in a particular Zoning District shall be made in writing to the Board on a form specified for such purpose and shall contain the material required for a building permit.

Section 806. VARIANCES

Application for variances from the requirements of this Ordinance shall be made in writing to the Board on a form specified for such purpose and shall contain the material required for a building permit, together with statements providing evidence pertinent to the requirements of Section 804.2 above.

Section 807. APPEALS

1. Parties Appellant Before the Board

Appeals from an action of the Zoning Officer or challenges to this Zoning Ordinance and map may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance or a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

2. Time Limitations and Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he/she had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Zoning Ordinance or map pursuant to Section 804.4 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

3. Stay of Proceedings

Upon filing of any proceeding referred to in Section 803 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or

any appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an applicant for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petitions should be granted and the amount of the bond shall be within the sound discretion of the court.

4. Appeals to Court

Appeals to court shall be in accordance with the procedures established in Section 1008 Act 93 of 1972. Appeals to court shall be taken to the Court of Common Pleas of Berks County.

5. Validity of Ordinance - Procedure Questions

Questions of an alleged defect in the process of enactment or adoption of this Ordinance or map shall be raised by an appeal taken directly from the action of the Township Supervisors to the Common Pleas Court of Berks County filed not later than thirty (30) days from the effective date of the Ordinance or map.

6. Validity of Ordinance - Substantive Questions

a. Landowner Appeals

- (1) A landowner who, on substantive grounds, desires to challenge the validity of this Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the Zoning Hearing Board for a report thereon or to the Board of Supervisors together with a request for a curative amendment.
- (2) Submissions referred to in subsection (1) above shall be governed by the procedures listed in Section 1004 of Act 93 of 1972.

- (3) After submitting his/her challenge to the Board of Supervisors, the landowner may appeal to court by filing the challenge within thirty (30) days after notice of the report of the Board is issued, or after the Township Supervisors have denied the landowner's request for a curative amendment.

b. Appeals by Persons Aggrieved

- (1) Persons aggrieved by a use or development permitted on the land of another by this Ordinance or map or provision thereof who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a report thereon.
- (2) Submission to the Board shall be governed by Section 1005 of Act 93 of 1972.
- (3) After submitting his/her challenge to the Board, any party aggrieved may take the same to court by appeal filed not later than thirty (30) days after notice of the report of the Board is issued.

7. Applications, Decisions, and Orders Not Involving the Validity of an Ordinance

a. Landowner Appeals

- (1) A landowner who desires to file a zoning application or to secure review or correction of a decision or order of the Township Supervisors or any officer or agency of the Township which prohibits or restricts the use or development of land in which he/she has an interest on the grounds that such decision or order is not authorized by or is contrary to the provision of an Ordinance or map shall proceed in accordance with Section 1006 of Act 93 or 1972.

b. Appeals by Persons Aggrieved

- (1) Persons aggrieved by a use or development permitted on the land of another who desire to secure review or correction of a decision or order of the governing body or of any officer or agency of the municipality which

has permitted same, on the grounds that such decision or order is not authorized by or is contrary to the provisions or an Ordinance or map shall first submit their objections to the Zoning Hearing Board.

- (2) Submission to the Board shall be governed by the provisions of Section 1005 of Act 93 of 1972.
- (3) Appeals to court from the decision of the Zoning Hearing Board may be taken by any party aggrieved by appeal filed not later than thirty (30) days after notice of the decision is issued.

ARTICLE IX
ENFORCEMENT

Section 900. VIOLATIONS

1. Scope

It shall be a violation of this Ordinance to fail to secure any permit required by this Ordinance. It shall also be a violation of this Ordinance to fail to make proper payment when required or to undertake other deliberate actions which are contrary to the terms of this Ordinance.

It shall be a violation of this Ordinance to continue to work or to use a building, land, structure, or other facilities after being subject to a Stop Order.

2. Complaints

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall properly record such complaint, make an immediate investigation, and take action thereon as provided by this Ordinance.

Section 901. ENFORCEMENT NOTICE

1. If it appears to the municipality that a violation of the Zoning Ordinance has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

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

3. Any enforcement notice shall state at least the following:

a. The name of the owner of record and any other person against whom the municipality intends to take action.

b. The location of the property in violation.

- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 902. CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the Zoning Ordinance the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 903. JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under Section 904 below.

Section 904. ENFORCEMENT REMEDIES

- 1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of the Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including

reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation shall be paid over to the municipality.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

ARTICLE X
AMENDMENTS

Section 1000. POWERS

The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map. Such shall be done in accordance with the following:

Section 1001. DEFINITIONS

The words "amend", "amendment", "amendments" or "amended" in this Ordinance shall be deemed to include any modifications of the text or phraseology of any provisions or amendments thereof, or any repeal or elimination of any such provisions or part thereof, or any addition to the Ordinance or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary, or area of any district or districts, any repeal or abolition of any part of such map, and in addition to such map, any new map or maps or any other changes in the maps or any map.

Section 1002. INITIATION OF AMENDMENTS

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission or by petition of one or more owners of property, subject to the following provisions:

1. Proposals Initiated by the Board of Supervisors

The Board of Supervisors shall refer every proposed amendment, supplement, change, modification, or repeal originated by them to the Township Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.

2. Proposals Originated by the Township Planning Commission

The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.

Section 1003. HEARINGS

1. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon. No such amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held on an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
2. Public notice, as defined in Act 93 of 1972, shall be given of the time, place and the general nature of such hearing and shall be published in a newspaper of general circulation in the Township. Public notices of proposed Zoning Ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place where copies of the proposed Ordinance or amendment may be examined, in addition to the time and place of hearing.
3. No hearing shall be held before or during the thirty (30) day period in which the Township Planning Commission has been directed to review and report its recommendations to the Board of Supervisors.
4. At least thirty (30) days prior to the public hearing on the proposed amendment, the Township Planning Commission shall submit the amendment to the County Planning Commission for review and recommendations.

Section 1004. PROCEDURE UPON CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of an Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the governing body with a written request that his/her challenge and proposed amendment be heard and decided. The Township Supervisors shall commence a hearing on the amendment within sixty (60) days of the request. The curative amendment shall be submitted to the Township and County Planning Commission for review and recommendations at least thirty (30) days prior to the public hearing on the proposed amendment. Public notice, as defined in Act 93 of 1972, shall be given prior to public hearing.

Section 1005. FEES

A fee, to be determined by resolution of the Board of Supervisors, shall be paid at the time of submission of a written request for the amendment of the Zoning Ordinance in order to cover costs incurred by the Township. No request for amendment shall be considered unless it is accompanied by the required fee.

ARTICLE XI
VALIDITY

If any Article, Section, Subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other Article, Section, Subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance. The Board of Supervisors of Caernarvon Township, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each Article, Section, Subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof irrespective of the fact that any one or more of the Articles, Sections, Subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

ARTICLE XII
REPEALER

All Ordinances of parts of Ordinances inconsistent with the provisions of this Zoning Ordinance are hereby expressly repealed.

ARTICLE XIII
EFFECTIVE DATE

The Zoning Ordinance shall become effective ten (10) days after its adoption by the Board of Supervisors of the Township of Caernarvon, Berks County, Pennsylvania.