

**RICHMOND TOWNSHIP**  
**Berks County, Pennsylvania**

**ZONING ORDINANCE of 2011**  
Ordinance No. 2011-120

AS AMENDED BY  
Ordinance No. 2012-06,  
Ordinance No. 2014-02,  
Ordinance No. 2014-03, and  
Ordinance No. 2015-05

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## ARTICLE I

### TITLE, APPLICATION AND PURPOSE

#### Section 101 Title and Short Title

##### 101.1 Title

An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in Richmond Township, Berks County, Pennsylvania, and for said purposes dividing the Municipality into districts and prescribing certain uniform regulations for each such district and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

##### 101.2 Short Title

This Ordinance shall be known as, and may be cited as, "The Richmond Township Zoning Ordinance of 2011".

#### Section 102 Application of Ordinance

Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in conformity with the provisions of this Ordinance.

#### Section 103 Purpose: Statement of Community Development Objectives

This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Municipality, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Municipality.

The basis for this Ordinance is the Comprehensive Plan, which enumerates, in detail, the locally desired development goals and objectives which this Ordinance seeks to accomplish.

This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Municipality, and is intended to promote the public health, safety, morals, and the general welfare by achieving, among others, the following purposes and objectives for development:

Lessen congestion on the roads and highways;

Secure safety from fire, panic, and other dangers;

Provide adequate areas for vehicle parking and loading space;

Provide adequate light and air;

Promote health and the general welfare;

Avoid undue congestion of population;

Encourage the most appropriate use of land;

Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public improvements;

Conserve the value of land and buildings;

Encourage the harmonious and orderly development of land;

Preserve natural, scenic and historic values in the environment and preserve forest, wetlands, aquifers and flood plains; and

Preserve prime agricultural farmland.

#### Section 104 Minimum Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Municipality.

Ord. 2011-120, 12/11/2011.

## ARTICLE II

### DEFINITIONS

#### Section 201 Definitions

For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

##### 201.1 Tense, Gender, and Number

Words in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular in number include the plural, and plural the singular.

##### 201.2 General Terms

The word “shall” or “must” is always mandatory; the word “may” is permissive, the words “used for” includes “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof”. The word “person” includes “individual”, “profit or non-profit organization”, “partnership”, “company”, “unincorporated association”, “corporation” or other similar entities.

##### 201.3 Terms, Phrases, and Words Not Defined

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

##### 201.4 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Building: A subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building.

Accessory Use: A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

Advertising Signs: See Signs, Advertising

Agricultural Related Business: A business which serves the local farm community through the provision of services, including the repair or servicing of farm machinery or equipment, or retail sales of agricultural related products.

Agriculture (General): The production, harvesting and preparation of agricultural, agronomic, horticultural, silvicultural, and aquaculture crops and products. As to livestock and livestock products, General Agriculture is the keeping of animals involving “Animal Equivalent Units” of live weight of animals per acre that are less than the amounts specified under the definition of Concentrated Animal Operations, as used herein. In addition, the term General Agriculture includes the acceptance of spent mushroom soil or mushroom compost for dumping, storage or disposal, but does not include highly concentrated agricultural production such as mushroom operations.

Agriculture (Intensive): The production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquaculture crops and products. As to livestock and livestock products, Intensive Agriculture is the keeping of animals involving “Animal Equivalent Units” of live weight of animals per acre that are equal to or greater than the threshold density definition of Concentrated Animal Operations, as used herein, provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revises the density definition of a Concentrated Animal Operation, then the term Intensive Agriculture shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other Agency, as it relates to the applicable definition. In addition to Concentrated Animal Operations, the term Intensive Agriculture includes, but is not limited to, Concentrated Animal Feeding Operations, and other highly concentrated agricultural production such as mushroom operations.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Animal Equivalent Unit (AEU): 1,000 pounds live weight of livestock or poultry animals on an annualized basis, regardless of the actual number of individual animals comprising the unit, provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revises the definition of “Animal Equivalent Unit” then this term shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other Agency.

Animal Equivalent Unit per Acre: An Animal Equivalent Unit per acre of crop land or area of lands that are suitable for the application of animal manure.



Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television and high-definition television signals, or other communication signals. This definition shall not include private residential satellite dishes, television antennas or amateur radio equipment.

Apartment House: See Dwelling, Multi-Family

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

Attached Building: See Building, Attached

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

Authority or Municipal Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipal Authorities Act of 1945."

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

Billboard: See Sign

Block: A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Municipality, or by any combination of the above.

Block or Lot Frontage: That portion of a block or lot which fronts on a single street.

Board or Zoning Hearing Board: The Zoning Hearing Board of Richmond Township, Berks County, Pennsylvania.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, shelter, enclosure, or structural support of persons, animals, or property of any kind. Structures divided by unpierced masonry division walls extending from the ground to underside of the roof shall not be deemed to be a separate building for the purpose of this Ordinance.

Building, Attached: A building which has two (2) or more walls or portions thereof in common with an adjacent building,

Building Coverage: The percentage which multiplied by the lot area will determine the permitted building area for all roofed structures and buildings, including all accessory structures and buildings.

Building, Detached: A building surrounded by open space on all four (4) sides within the same lot.

Building Line or Building Setback Line: A line, established by the Zoning Ordinance, within a property, defining the minimum distance between any building or structure, or portion thereof, to be erected or altered, and an adjacent right-of-way or street line. Such line shall be measured at right angles from the street right-of-way line and shall be parallel to said right-of-way line at such distance therefrom as required herein for the minimum front yard dimension in the particular zoning district.

Building, Semi-Detached: A building which has one (1) wall or portion thereof in common with an adjacent building.

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

Carport: A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

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

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

Concentrated Animal Feeding Operation: An agriculture operation where animals are kept and raised in confined situations. A Concentrated Animal Feeding Operation is defined as: Any agricultural operation with greater than one thousand (1,000) Animal Equivalent Units; A Concentrated Animal Operation with greater than three hundred (300) Animal Equivalent Units; or, Any

agricultural operation defined as a large Concentrated Animal Feeding Operation under the Code of Federal Regulations. If the definition of large Concentrated Animal Feeding Operation is revised by the Code of Federal Regulation, or by another State or Federal Agency, then this term shall be interpreted in accordance with the revised regulations of such Agency.

Concentrated Animal Operation: An agricultural operation with eight (8) or more Animal Equivalent Units (AEUs) where the animal density exceeds two (2) AEUs per acre on an annualized basis. Animal density includes all livestock, including nonproduction animals such as horses used for recreation and transportation. An operation with less than eight (8) AEUs is not considered to be a Concentrated Animal Operation regardless of the animal density. The number of AEUs on an agricultural operation is calculated through the use of an established formula set from the State Conservation Commission. The acreage used in the Concentrated Animal Operation formula to calculate the AEUs per acre includes land suitable for the application of manure, which may include rented or leased land outside the parcel where the agricultural operation is located. It is further provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revised the definition of Concentrated Animal Operation, then this term shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other Agency.

Conditional Use: A use not permitted by right but which may be permitted by the Governing Body, after a public hearing and review and comments by the Township Planning Commission, to occupy or use land and/or buildings or structures for specified purposes in accordance with the conditions contained in this Ordinance.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Design Capacity: The occupant capacity permitted by the Pennsylvania Department of Labor and Industry for a building or structure or the anticipated maximum occupancy for outdoor facilities such as ball fields, golf courses, miniature golf courses, amusement parks, parks, and similar uses.

Detached Building: See Building, Detached

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

District: A portion of the Municipality, within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

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

- a. Single-Family: A building arranged, designed, or intended for and occupied exclusively by one family, but not including mobile homes unless the mobile home is permanently affixed to the land on a permanent foundation and anchored to the ground with wheels and hitch removed rendering same immobile.
- b. Two-Family: A building arranged, designed, and intended for occupancy by two (2) families living independent of each other and having no cooking or sanitary facilities in common with any other dwelling unit.
- c. Multi-Family: A building arranged, designed, and intended for occupancy by three (3) or more families living independently of each other and having no cooking or sanitary facilities in common with any other dwelling unit, including apartment houses, apartment hotels, flats, garden apartments, and group houses.

Dwelling Unit: A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

Energy Storage Facility: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

Family: (a) One or more persons, related by blood, marriage, or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common, or (b) not more than four (4) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Floor Area or Gross Floor Area: The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. In particular, the floor area of a building or buildings shall include:

- a. Basement space.
- b. All spaces other than cellar space with structural headroom of seven feet, six inches (7'-6") or more.
- c. Interior balconies and mezzanines.
- d. Enclosed or roofed porches or terraces or other roofed spaces.
- e. Attic spaces (with or without a finished floor) provided structural headroom of seven feet and six inches or more is available over 50 percent of such attic space.
- f. Accessory buildings.

However, the "floor area" shall not include:

- a. Cellar space, except that cellar space used for retailing.
- b. Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
- c. Terraces, breezeways, uncovered steps, or open space.

Garage, Private: An enclosed space for the storage of one (1) or more private motor vehicles provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises.

Garden Apartment: A multi-family dwelling, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units, which have common hallways and entrances on a lot which is held in single and separate ownership having yards in common but which may also have other joint facilities and services.

The term "garden apartment" shall not be construed to include row home or town house.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel and oil and/or other lubricating substances, which may/or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline only for its own use and vehicles shall not be deemed to be a gasoline service station.

Governing Body: Shall mean the Board of Supervisors of Richmond Township, Berks County, Pennsylvania.

Grade: Grade shall mean the average finished ground elevation adjoining the buildings.

Height of Building: The vertical distance from the mean grade at the front of the building, or the average of the grades of the street fronts if the building faces more than one street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gable, hipped, and pitched roofs.

Height of Signs or Other Structures: The vertical distance measured from the mean grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Height of Tower: When referring to a tower, the distance measured from the finished grade of the parcel to the highest point on the tower, including the base pad and any antenna.

Home Occupation – Class I (or 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.

Home Occupation – Class II: A nonprofessional or professional business use that shall be conducted in a nonobtrusive manner entirely within a residence located in the applicable residential zoning district that does not change or affect the residence's physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided in Section 502.2.

Home Occupation – Class III: A nonprofessional or professional business use that shall be conducted within a residence located in the applicable residential zoning district that does not change or affect the residence's physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided in Section 804.16.

Hospital: Any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for convalescent or chronically ill persons, with facilities for the stay of patients for one (1) or more nights.

Hospital, Long Term: An institution providing care of a specialized nature for the chronically ill, generally confined for periods of time exceeding thirty (30) days

including long term care for alcoholic, narcotic or psychiatric patients, and institutions for patients with a contagious disease.

Hotel: A building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor.

Impervious Coverage: The percentage of net lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

Junk Yard: A lot, land, or structure, or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal, or other scrap, salvage, or discarded materials, vehicles or machinery. The deposit or storage of two (2) or more unlicensed, wrecked or disabled vehicles shall be deemed to be a "junk yard".

Landowner: A legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

Lot: A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required. The term "lot" shall also mean parcel, plot, site, or any similar term.

Lot Area, Gross: The total area contained within the lot lines of a lot.

Lot Area (or Net Lot Area): The area of land contained within the limits of the property lines bounding that area. Any portion of a lot included within a street right-of-way, utility easement, wetlands or flood plain shall not be included in calculating lot area. This definition of lot area shall apply to all lots created after the effective date of this ordinance. For all lots whose dimensions have not changed since the effective date of this ordinance, lot area shall continue to be defined to include the area of land contained within the limits of the property lines bounding that area, excluding only any portion of the lot included within a street right-of-way.

Lot, Corner: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty five (135) degrees at the intersection of two (2) street lines.

Lot Coverage: A percentage which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings.

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

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

Lot Line: Any line dividing one lot from another.

Lot Width: The width measured at the minimum building setback line between side lot lines and parallel to the front lot line but in no case shall the street frontage be less than one-half (1/2) of the required lot width.

Minor Subdivision: As described in Section 700.1 of the Township of Richmond Subdivision and Land Development Ordinance. [Ord. 2015-05]

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, 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 designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Motel: A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

Municipality: Shall mean Richmond Township, Berks County, Pennsylvania.

Mushroom Operation: Production for market of mushrooms, involving onsite substrate preparation, mushroom composting, with substrate colonization by spawn, top dressing, irrigation, and controlled climate, occurring in multiple production rooms, with production rooms cleaned of all compost and steam pasteurized on approximately ten (10) to twelve (12) week cycles.

Naturally Occurring Slope: Areas where slope has not been changed by human activity from its natural condition; naturally occurring slope excludes all man



made slope areas including, by way of example, swales, berms, and driveways. [Ord. 2015-05]

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-Conforming Structure or Building: A structure or building, or part thereof, which does not conform to the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such buildings and structures lawfully existed prior to the enactment of such Ordinance or amendment. Such nonconforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A building, structure, sign, or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such Ordinance or amendments. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required off-street parking spaces.

Open Space: Unoccupied space open to the sky and on the same lot with the principal use.

Outdoor Flea Market: A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public by setting up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation.

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

Parking Space: An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of ten (10) feet by twenty (20) feet, exclusive of driveways, passageways, and maneuvering space appurtenant thereto.

Personal Service Establishment: A business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is accessory to such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, or shoe repair shops.

Planning Commission: The Planning Commission of Richmond Township, Berks County, Pennsylvania.

Public Hearing: A formal meeting held pursuant to public notice by the Governing Body intended to inform and obtain public comment, prior to taking action in accordance with this 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 (2) 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 matters to be considered at the hearing. The first publication shall not be more than thirty (30) and the second publication shall not be less than seven (7) days from the date of the hearing.

Quarrying or Surface Mining: The extraction of minerals, rock, and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material that overlies or is above or between the minerals, rock, and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Rooming House: A building or parts thereof occupied by four (4) or more persons for living and sleeping purposes, which persons are unrelated to the tenant or occupant if such tenant or occupant also live therein. The term "rooming house" includes the term "boarding house".

Row House: See Town House

Semi-Detached Building: See Building, Semi-Detached

Sewage Disposal:

On-Site: Any structure designed to biochemically treat sewage within the boundaries of an individual lot.

Public: A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal facility.

Shopping Center: Shopping center shall mean a group of stores, four (4) or more in number, planned and designed as an integrated unit with off-street parking

provided on the property as an integral part of the unit. Shopping center shall also mean a single store or a group of stores less than four (4) in number where the total gross floor area of the store or stores exceeds forty thousand (40,000) square feet.

Sign: Any structure, building wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, identification, or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Sign, Advertising: A "sign" which directs attention to a service, business, profession or industry conducted, sold, manufactured or assembled or offered for sale elsewhere than upon the premises where the sign is displayed.

Sign, Business: A "sign" which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign."

Skyspace: The open space between a solar collector and the sun that must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

Small crafts and services business: Small business shop, located on the same property as the residence of the owner or operator of such business, providing traditional craftsmanship and repair services including, but not limited to, woodworking, furniture restoration, saddle and harness repair, shoe repair, small electronics repair, baking, jewelry making, tailoring, and dressmaking. This use includes the sale of articles made on the premises, but shall not include the retail sale of articles produced elsewhere.

Solar Array: Any number of solar energy collectors connected together to provide a single electrical output.

Solar Energy: Radiant energy (direct, diffused and reflected) received from the sun.

Solar Energy Collector: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy. A solar energy system may be active, requiring external mechanical power to move the collected heat, or passive, utilizing natural and architectural components to collect and store energy without using any external mechanical power.

Solar Farm: An installation of a solar array, and all related structures and equipment, typically designed as the primary land use of a parcel and including multiple solar energy collectors on mounting systems, from which the energy generated is sold for use on an energy grid system rather than being consumed on site.

Special Exception: A use permitted with special permission, granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accordance with this Ordinance when such use is not permitted by right.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered one-half (1/2) story.

Story, Half: Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than seventy-five (75) percent of such space has structural headroom of seven (7) feet and six (6) inches or more. Any space which has more than seventy-five (75) percent of its area having such headroom.

Street: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, and road or similar terms.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground. Utility sheds, no larger than ten (10) feet by twelve (12) feet, not permanently affixed to the ground and a minimum of five (5) feet from any property line shall not be construed to be a structure for purposes of this Ordinance.

Town House: A dwelling arranged, designed and intended for, and occupied exclusively by, one family; said dwelling consisting of a group of not more than six (6) such attached dwellings (including the end unit); each such dwelling

separated by unpierced party walls and each dwelling having at least one separate entrance from the outside.

Tower: Any structure or supporting structure that is designed and constructed primarily for antennas for telephone, radio or similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and telephone transmission towers, microwave towers, common-carrier towers, cellular telephone towers, commercial television and high-definition television towers, and alternative tower structures.

Transportation terminal: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or packages between modes of transportation, including bus terminals, railroad stations, and public transit facilities.

Truck and Freight Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck, rail or other modes of transportation. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

Usable Open Space: An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces, or principal structures, including common buildings such as shelters, pavilions, or recreational structures centrally located, accessible to occupants of the building or buildings.

Use: The specific purpose for which land, sign, structure, or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions or circumstances pertaining only to the lot in question, and when granting of the waiver would not be contrary to the public interest, in accordance with the requirements of Section 803.2 of this Ordinance.

Water Supply:

On-Site: A system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot.

Public: A system for supplying and distributing water from a common source to buildings and other structures.

Wind Energy Conversion System (WECS): A device that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any. Also referred to as a “Windmill”.

Wind Farm: An electric generation facility, whose main purpose is to supply electricity, consisting of one (1) or more Wind Energy Conversion units and other accessory structures and buildings, including substations, meteorological towers, electric infrastructure, transmission lines and other appurtenant structures and facilities, used on-site for commercial purposes or which is sold on the open market. A wind energy conversion unit accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind farm.

Yard, Front: An open, unoccupied space, open to the sky between an adjacent street right-of-way and a line drawn parallel thereto (the building line), at such distance therefrom as required herein for the minimum front yard of the zoning district, and extending for the full width of the lot.

Yard, Rear: An open, unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending the full width of the lot.

Yard, Side: An open, unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard.

Zoning Administration Officer or Zoning Officer: The agent or official designated by the Governing Body to administrate and enforce the Zoning Ordinance of the Municipality.

Zoning Map: The Richmond Township Zoning Map.

Zoning Ordinance: The Richmond Township Zoning Ordinance of 2011.

Ord. 2011-120, 12/11/2011; as amended by Ord. 2015-05, 12/14/2015, §2.

## **ARTICLE III**

### **ZONING MAP AND ZONING DISTRICTS**

#### **Section 301    Official Zoning Map**

The Municipality is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

##### **301.1 Identification of Official Zoning Map**

The Official Zoning Map shall be identified by the signature of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

##### **301.2 Changing the Official Zoning Map**

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

##### **301.3 Location of Official Zoning Map**

The Official Zoning Map shall be located in a place, as designated by the Governing Body, and shall be the final authority as to the current zoning status of land or water areas in the Municipality, regardless of unofficial copies which may have been made or published from time to time.

##### **301.4 Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning 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 amendments thereto. The new Official Zoning Map shall

be identified by the signatures of the Governing Body, attested to by the Secretary of the Body, and bearing the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of Ordinance No. \_\_\_\_\_ of Richmond Township, Berks County, Pennsylvania.”

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

Section 302 Classes of Districts

For the purpose of this Ordinance, the Municipality is hereby divided into districts which shall be designated as follows:

- R-C Rural - Conservation
- R-A Rural - Agriculture
- R-1 Low Density Residential
- TN Traditional Neighborhood
- R-2 Medium Density Residential
- C-1 Village Commercial
- C-2 Commercial
- L-I Light Industrial
- I Industrial

Section 303 Interpretation of District Boundaries

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

303.1 Designation of District Boundaries

Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines, or Municipal boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a district boundary line does not follow such a line, position is shown on said Official Zoning Map by reference to an Ordinance describing such lines or by a specific dimension expressing its distance, in feet, from the street right-of-way line or other boundary line as indicated and running parallel thereto.

Ord. 2011-120, 12/11/2011.



**ARTICLE IV**  
**DISTRICT REGULATIONS**

Section 401 R-C Rural-Conservation

401.1 Permitted Uses

- a. Forest, scenic, and wildlife preserves;
- b. Single-family detached dwellings;
- c. Agriculture (General) pursuant to Section 523, and Agriculture (Intensive) pursuant to Section 524;
- d. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided off-road parking spaces are provided for customers;
- e. Lodges or clubs for climbing, hunting, fishing, nature observation, or other similar purposes;
- f. Public parks and playgrounds;
- g. Public structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality;
- h. A mobile home as a single-family detached dwelling as a temporary shelter (not longer than one (1) year) while construction is taking place for a single-family detached dwelling on the same lot;
- i. Cluster development, in accordance with Section 525- Cluster Development.

401.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Private garages or private parking areas;
- b. Signs pursuant to the requirements of Section 506;
- c. Class I and Class II Home Occupations pursuant to Section 502;
- d. Dumping, storage or disposal of spent mushroom soil or mushroom compost pursuant to Section 511;

- e. Customary accessory uses and buildings provided they are clearly incidental to the principal use;
- f. A mobile home as an ancillary single-family detached dwelling as an accessory use on a farm when one or more of the occupants is working fulltime on the same farm;
- g. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance.

401.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. Outdoor recreation areas and facilities- parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps, golf courses or country clubs (except driving ranges or miniature golf courses);
- b. Churches or similar places of worship;
- c. Cemeteries and necessary incidental structure;
- d. Gun Clubs;
- e. Accessory uses or structures not located on the same lot as the permitted principal use or structure;
- f. Adult Care, Residential Facility (Group Home), pursuant to Section 804.13;
- g. Small crafts and services businesses, pursuant to Section 804.15;
- h. Class III Home Occupations, pursuant to Section 804.16.

401.4 Minimum Lot Size

Area: -(See Section 512.6)  
 Width: - 200 feet

401.5 Minimum Yard Dimensions

Front Yard: - 40 feet  
 Each Side Yard: - 20 feet  
 Rear Yard: - 50 feet

401.6 Maximum Building Coverage and Height

Maximum Building Coverage: - 7%

Maximum Impervious Coverage:	-	10%
Maximum Building Height:		
feet	-	35
stories	-	2-1/2

No Maximum Height shall apply to buildings and structures used in agriculture.

#### 401.7 Agricultural Nuisance Disclaimer for Subdivision of a Tract

All plans submitted to Richmond Township to subdivide land in the R-C District shall contain the following language in conspicuous form:

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

### Section 402 R-A Rural-Agriculture

#### 402.1 Permitted Uses

- a. Agriculture (General) pursuant to Section 523, and Agriculture (Intensive) pursuant to Section 524;
- b. Nurseries and greenhouses;
- c. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided off-road parking space is provided for customers;
- d. Lodges or clubs for hunting, fishing, or other similar recreational purposes;
- e. Fire stations with or without social quarters;

- f. Public and private out-door recreation areas and facilities- parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, camps, golf courses or country clubs (except driving ranges and miniature golf courses);
- g. Churches or similar places of worship, parish houses, convents or other housing for religious personnel;
- h. Cemeteries and necessary incidental structure;
- i. Public buildings or structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality.

402.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Private garages or private parking areas;
- b. Signs pursuant to Section 506;
- c. Class I and Class II Home Occupations pursuant to Section 502;
- d. Dumping, storage or disposal of spent mushroom soil or mushroom compost pursuant to Section 511;
- e. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business;
- f. A mobile home as an ancillary single-family detached dwelling as an accessory use on a farm when one or more of the occupants is working full-time on the same farm;
- g. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance.

402.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. [Reserved for future use.];
- b. Public schools, parochial schools and private schools but not including correctional institutions;
- c. Quarrying or other extractive industries for obtaining sand, gravel, rock, or other natural resources;

- d. Mobile home parks pursuant to Section 508;
- e. A mobile home as a single-family detached dwelling as a temporary shelter (not longer than one (1) year) while construction is taking place for a single-family detached dwelling on the same lot;
- f. Gun Clubs;
- g. Heliports;
- h. Accessory use not located on the same lot with permitted principal use;
- i. Small crafts and services businesses, pursuant to Section 804.15;
- j. Class III Home Occupations, pursuant to Section 804.16.

402.4 Uses Permitted by Conditional Use

- a. Single-family detached dwellings pursuant to Section 510;
- b. Agricultural related business subject to Section 513, such as farm welding shop, farm machinery repair and service, butcher shop, veterinary facilities, but not to include abattoirs, manufacturing or other industrial uses.

402.5 Minimum Lot Size

Area:	-	1 acre
Width:	-	200 feet

402.6 Minimum Yard Dimensions

Front Yard:	-	50 feet
Each Side Yard:	-	30 feet
Rear Yard:	-	50 feet

402.7 Maximum Building Coverage and Height

Maximum Building Coverage:	-	10%
Maximum Impervious Coverage:	-	20%
Maximum Building Height:		
feet	-	35
stories	-	2 ½

No Maximum Height shall apply to buildings and structures used in agriculture.

402.8 Soils Suitability - Uses of land permitted by Sections 402.1(d), 402.1(e), 402.1(f), 402.1(g), 402.1(h), 402.1(i), 402.3(b), 402.3(c), 402.3(d), 402.3(e) or 402.3(f) must be located in their entirety on land of low quality for agricultural use. Land shall be considered of low quality for agricultural use if:

- a. The land is in Soil Capability Units IV through VII as classified by the Soil Survey of Berks County, Pennsylvania, issued August 5, 2003; or
- b. The land cannot feasibly be farmed:
  1. Due to the existing features of the site such as rock too close to the surface to permit plowing, swamps, the fact that the entire area is heavily wooded, or the fact that the slope of the area exceeds fifteen percent (15%); or
  2. Due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery (for purpose of the application of this subsection the land to be contained in the lot shall be considered as part of the original tract).

Any landowner disagreeing with the classification of his property or any part of it as prime farmland may submit an analysis prepared by a registered or licensed engineer, geologist, or soil scientist indicating soil classification based on field tests. The Board of Supervisors may, upon review of the submitted report, reclassify the property in question in accordance with findings submitted for purposes of this Ordinance.

#### 402.9 Agricultural Nuisance Disclaimer for Subdivision of a Tract

All plans submitted to Richmond Township to subdivide land in the R-A District shall contain the following language in conspicuous form:

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

“The Right to Farm Law”, may bar them from obtaining a legal judgment against such normal agricultural operations.

Section 403 R-I Low Density Residential

403.1 Permitted Uses

- a. Single family detached dwellings;
- b. Public schools, parochial schools, and private schools but not including correctional institutions;
- c. Public parks and playgrounds;
- d. Public buildings or structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality;
- e. Churches or similar places of worship;
- f. A mobile home as a single-family detached dwelling as a temporary shelter (not longer than one (1) year) while construction is taking place for a single-family detached dwelling on the same lot;
- g. Cluster development, in accordance with Section 525- Cluster Development.

403.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Private garages or private parking areas;
- b. Signs pursuant to Section 506;
- c. Class I and Class II Home Occupations pursuant to Section 502;
- d. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

403.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. Cemeteries and necessary incidental structures;
- b. Fire stations with or without social quarters;
- c. Accessory uses or structures not located on the same lot with the permitted principal use or structure;
- d. Adult Care, Residential Facility (Group Home), pursuant to Section 804.13;
- e. Class III Home Occupations, pursuant to Section 804.16.

403.4 Minimum Lot Size

Area:

On-Site Water and On-Site Sewage Disposal	-	1-1/2 acres
On-Site Water and Public Sewage Disposal	-	1 acre
Public Water and On-Site Sewage Disposal	-	1 acre
Public Water and Public Sewage Disposal	-	3/4 acre

Width:

On-Site Water and On-Site Sewage Disposal	-	200 feet
Public Water and Public Sewage Disposal	-	100 feet

403.5 Minimum Yard Dimensions

Front Yard:	-	40 feet
Each Side Yard:	-	20 feet
Rear Yard:	-	50 feet

403.6 Maximum Building Coverage and Height

Maximum Building Coverage:

Residential

On-Site Water and On-Site Sewage Disposal-	10%
Public Water and Public Sewage Disposal -	15%

Non-Residential

On-Site Water and On-Site Sewage Disposal -	20%
Public Water and Public Sewage Disposal -	25%



Maximum Impervious Coverage:

Residential

On-Site Water and On-Site Sewage Disposal- 15%

Public Water and Public Sewage Disposal - 20%

Non-Residential

On-Site Water and On-Site Sewage Disposal- 30%

Public Water and Public Sewage Disposal - 35%

Maximum Building Height:

feet - 35

stories - 2-1/2

Section 404 TN Traditional Neighborhood

404.1 Permitted Uses

- a. Single family detached dwellings;
- b. Single family semi-detached dwellings;
- c. Two-family detached dwelling;
- d. Two-family semi-detached dwellings;
- e. Public schools, parochial schools, and private schools but not including correctional institutions;
- f. Public parks and playgrounds;
- g. Public buildings or structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality;
- h. Churches or similar places of worship;
- i. A mobile home as a single-family detached dwelling as a temporary shelter (not longer than one (1) year) while construction is taking place for a single-family detached dwelling on the same lot;
- j. Cluster development, in accordance with Section 525.

404.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Private garages or private parking areas;
- b. Signs pursuant to Section 506;

- c. Class I and Class II Home Occupations pursuant to Section 502;
- d. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

404.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. Cemeteries and necessary incidental structures;
- b. Fire stations with or without social quarters;
- c. Accessory uses or structures not located on the same lot with the permitted principal use or structure;
- d. Class III Home Occupations, pursuant to Section 804.16.

404.4 Minimum Lot Size (per dwelling unit)

Area:

On-Site Water and On-Site Sewage Disposal	-	1-1/2 acres
On-Site Water and Public Sewage Disposal	-	1 acre
Public Water and On-Site Sewage Disposal	-	1 acre
Public Water and Public Sewage Disposal	-	3/4 acre

Width:

On-Site Water and On-Site Sewage Disposal	-	200 feet
Public Water and Public Sewage Disposal	-	100 feet

404.5 Minimum Yard Dimensions

Front Yard:	-	40 feet
Each Side Yard:	-	20 feet
Rear Yard:	-	50 feet

404.6 Maximum Building Coverage and Height

Maximum Building Coverage:

Residential

On-Site Water and On-Site Sewage Disposal-	20%
Public Water and Public Sewage Disposal -	25%

Non-Residential

On-Site Water and On-Site Sewage Disposal-	25%
Public Water and Public Sewage Disposal -	35%

Maximum Impervious Coverage:

Residential

On-Site Water and On-Site Sewage Disposal-	25%
Public Water and Public Sewage Disposal -	30%

Non-Residential

On-Site Water and On-Site Sewage Disposal-	35%
Public Water and Public Sewage Disposal -	45%

Maximum Building Height:

feet	-	35
stories	-	2-1/2

Section 405 R-2 Medium Density Residential

405.1 Permitted Uses

- a. Single family detached dwellings;
- b. Public parks and playgrounds;
- c. Public schools, parochial schools, and private schools but excluding correctional institutions;
- d. Churches or similar places of worship;
- e. Public buildings or structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality;
- f. Fire stations with or without social quarters;
- g. A mobile home as a single-family detached dwelling as a temporary shelter (not longer than one (1) year) while construction is taking place for a single-family detached dwelling on the same lot;
- h. Cluster development, in accordance with Section 525- Cluster Development.

405.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Private garages or private parking areas;
- b. Signs pursuant to Section 506;
- c. Class I and Class II Home Occupations pursuant to Section 502;
- d. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

405.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. Cemeteries and necessary incidental structures;
- b. Multi-family residential or Town Houses pursuant to Section 504;
- c. Single-family semi-detached dwellings;
- d. Two-family detached dwellings;
- e. Accessory uses or structures not located on the same lot with the permitted principal use or structure;
- f. Adult Care, Residential Facility (Group Home), pursuant to Section 804.13;
- g. Class III Home Occupations, pursuant to Section 804.16.

405.4 Minimum Lot Size per dwelling unit

Area:

Public Water and Public Sewage Disposal	-	10,000 sq. ft.
On-Site Water and On-Site Sewage Disposal	-	1 acre

Width:		
	Public Water and Public Sewage Disposal	- 80 feet
	On-Site Water and On-Site Sewage Disposal	- 200 feet

405.5 Minimum Yard Dimensions

Front Yard:	-	35 feet
Each Side Yard:	-	15 feet
Rear Yard:	-	40 feet

405.6 Maximum Building Coverage and Height

Maximum Building Coverage:

Residential

On-Site Water and On-Site Sewage Disposal-	10%
Public Water and Public Sewage Disposal -	35%

Non-Residential

On-Site Water and On-Site Sewage Disposal-	20%
Public Water and Public Sewage Disposal -	35%

Maximum Impervious Coverage:

Residential

On-Site Water and On-Site Sewage Disposal-	15%
Public Water and Public Sewage Disposal -	40%

Non-Residential

On-Site Water and On-Site Sewage Disposal-	35%
Public Water and Public Sewage Disposal -	50%

Maximum Building Height:

feet	-	35
stories	-	2-1/2

Section 406 C-1 Village Commercial

406.1 Permitted Uses

- a. Retail stores, shops or service establishments for the conduct of any retail business or service, except drive-in establishments;
- b. Business, professional, or governmental offices;
- c. Banks, savings and loan association;
- d. Restaurants, cafes, taverns or other places serving food and beverages;

- e. Establishments for laundering and dry cleaning of clothing.

#### 406.2 Permitted Accessory Uses

- a. Off-street parking and loading facilities pursuant to Section 507;
- b. Signs pursuant to Section 506;
- c. Customary accessory uses and buildings provided such are clearly incidental to the principal use;
- d. Class I and Class II Home Occupations on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

#### 406.3 Uses Permitted by Special Exception Pursuant to Section 804

- a. Single-family detached dwellings;
- b. Single-family semi-detached dwellings;
- c. Conversion of existing single-family dwellings to no more than three (3) dwelling units;
- d. Multi-family residential or Town Houses pursuant to Section 504;
- e. Accessory uses not located on the same lot with the permitted principal use;
- f. Any other use as determined by the Board to be of the same general character as the permitted use;
- g. Mobile telephone, microwave, television, and radio transmission structures, per regulations set forth in Section 515;
- h. Class III Home Occupations, pursuant to Section 804.16, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established.

406.4 Minimum Lot Area

Area:

Public Sewage Disposal	-	10,000 sq. ft.
On-Site Sewage Disposal	-	1 acre

Width:

Public Sewage Disposal	-	50 feet
On-Site Sewage Disposal	-	80 feet

406.5 Minimum Yard Dimensions

Front Yard:	-	25 feet
Each Side Yard:	-	15 feet
Rear Yard:	-	25 feet

406.6 Maximum Building Coverage and Height

Maximum Building Coverage:	-	50%
Maximum Building Height:	-	35 feet
Maximum Impervious Coverage:	-	70%

Section 407 C-2 Commercial

407.1 Permitted Uses

- a. Retail stores, shops or service establishments for the conduct of any retail business or service;
- b. Garages for the repair of vehicles, motors and bodies;
- c. Business, professional, or governmental offices;
- d. Motels and Hotels;
- e. Restaurants, cafes, taverns or other places serving food and beverages;
- f. Banks, savings and loan associations,
- g. Automobile or mobile home sales and service;
- h. Shopping Centers pursuant to Section 505;
- i. Hospitals;

- j. Outdoor flea markets, pursuant to Section 518.

#### 407.2 Permitted Accessory Uses

- a. Off-street parking pursuant to Section 507;
- b. Signs pursuant to Section 506;
- c. Storage within completely enclosed buildings;
- d. Customary accessory uses and buildings provided such are clearly incidental to the principal use;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Class I and Class II Home Occupations, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established;
- g. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

#### 407.3 Uses Permitted by Special Exception

- a. Storage and wholesale business activities;
- b. Truck and freight terminals;
- c. Accessory uses not located on the same lot with the permitted principal use;
- d. Heliports;
- e. Any other use as determined by the Board to be of the same general character as the permitted uses;
- f. Class III Home Occupations, pursuant to Section 804.16, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established.

#### 407.4 Minimum Lot Size Area

Area: - 10,000 sq. ft.



Width: - 80 feet

407.5 Minimum Yard Dimensions

Front Yard: - 40 feet  
Each Side Yard: - 25 feet  
Rear Yard: - 30 feet

No more than fifty (50) percent of any required yard depth may be used for off-street parking and loading.

407.6 Screening

Architectural or botanical screening shall be provided along all property lines abutting residential districts.

Fences, walls, or year-round planting and/or other structures shall have a minimum height of six (6) feet.

407.7 Maximum Building Coverage, Paved Area and Height

Maximum Building Coverage: - 50%  
Maximum Building Height: - 35 feet  
Maximum Impervious Coverage: - 75%

407.8 Access and Traffic Control

All means of ingress and egress shall be located at least four hundred (400) feet from an expressway ramp, and two hundred (200) feet from any street intersection. The developer shall be responsible for the purchase and erection of any required traffic control devices.

Section 408 L-I Light Industrial

408.1 Permitted Uses

- a. Offices for professional, administrative, governmental and financial institutions;
- b. Research establishments and laboratories for product testing and/or development. No commercial manufacturing, production or storage shall be permitted;
- c. Transportation terminals;
- d. Storage and Warehousing establishments;

- e. Hospital, and Long-Term Hospital, pursuant to Section 516;
- f. Nursing Home, pursuant to Section 517;
- g. Solar farms pursuant to Section 522.

408.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Off-street parking facilities;
- b. Signs pursuant to Section 506;
- c. Restaurants, cafeterias or recreational facilities used for employees only;
- d. Accessory uses and structures to the uses permitted;
- e. A WECS designed to generate a maximum of 35 kilowatts of electricity subject to Section 520 of the Zoning Ordinance;
- f. Class I and Class II Home Occupations, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established;
- g. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

408.3 Uses Permitted by Special Exceptions Pursuant to Section 804

- a. Any other use as determined by the Board to be of the same general character as the permitted uses;
- b. Prison;
- c. Class III Home Occupations, pursuant to Section 804.16, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established.

408.4 Minimum Lot Size

Area:

Public Water and Public Sewer	-	20,000 sq.ft.
On-Site Water and On-Site Sewage Disposal	-	1 acre

Width: - 200 feet

#### 408.5 Minimum Yard Dimensions

Front Yard: - 60 feet  
Each Side Yard: - 40 feet  
Rear Yard: - 40 feet

#### 408.6 Maximum Building Coverage and Height

Maximum Building Coverage - 40%  
Maximum Impervious Coverage:  
    On-Site Water and On-Site Sewage Disposal - 65%  
    Public Water and Public Sewage Disposal - 70%  
Maximum Building Height: - 40 feet

#### 408.7 Screening

All exterior storage shall be enclosed within a structure or screened by substantial solid wall, fence or plantings of such design and height to conceal all stored materials from view.

### Section 409 I Industrial

#### 409.1 Permitted Uses

- a. Heavy commercial uses, which shall be carried on in a completely enclosed building, except off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicular equipment repair establishments;
- b. Heavy commercial uses which do not require complete enclosure in a building, including building materials, new and used machinery storage and sales, vehicular and trailer sales and storage, farm equipment and construction machinery establishments;
- c. General industrial uses which shall be carried on in a completely enclosed building and which includes the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity;
- d. All principal and accessory uses permitted in the industrial district must comply with existing laws, rules, regulations, and ordinances affecting

environmental health, and the requirements contained herein. Environmental health includes but is not limited to such areas as air and water pollution, solid waste disposal, noise and vibration problems, and other such factors affecting man or his environment. In addition, the following minimum standards shall be met:

1. Odor- No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.
2. Toxic Gases- No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation, shall be permitted outside the lot lines of the tract.
3. Glare and Heat- No visible or objectionable glare and/or heat from any process shall be evident beyond the property line. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.
4. Liquid Wastes or Sewage- No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, greases, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Board, appropriate agencies or the Department of Environmental Protection.
5. Vibration-Vibration perceptible beyond the lot line shall not be permitted.
6. Noise- No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
7. Smoke, Soot or Dust- The emission of gray smoke at a density greater than No.1 on a Ringelmann Chart, as published by the U.S. Bureau of Mines, shall not be permitted.
8. Electric or Electronic Interference- Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.

9. All raw materials, fuels, machinery, and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing residential district line or public street.
  10. All sources of air pollution must comply with rules and regulations as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection, or as modified by additional restrictions imposed by local or regional health departments.
- e. Solar farms pursuant to Section 522.

409.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use

- a. Dwelling for watchman or caretaker;
- b. Off-street parking facilities;
- c. Signs pursuant to Section 506;
- d. Restaurants, cafeterias or recreational facilities used for employees only;
- e. Accessory uses and structures to the manufacturing uses permitted;
- f. Heliports;
- g. Class I and Class II Home Occupations, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established;
- h. Roadside stands for the sale of farm products, at least fifty percent (50%) of which shall have been grown on the premises, provided agriculture is a legally established use on the lot and off-road parking space is provided for customers.

409.3 Uses Permitted by Special Exceptions Pursuant to Section 804

- a. Junk yards;
- b. Quarries;
- c. Accessory uses not located on the same lot as the principal use;

- d. Mobile telephone, microwave, television, and radio transmission structures, per regulations set forth in Section 515;
- e. Class III Home Occupations, pursuant to Section 804.16, on lots with residences existing as of the effective date of this Ordinance and on lots where residences are thereafter legally established;
- f. Wind Farms, subject to Section 409.8 of the Zoning Ordinance.

409.4 Prohibited Uses

- a. Residential development or the construction of dwellings on existing lots or portions of lots zoned industrial;
- b. Public buildings;
- c. Any building for retail business or service, except where incidental to the principal permitted use.

409.5 Minimum Lot Size

Area:	
Public Water and Public Sewer	- 20,000 sq. ft.
On-Site Water and On-Site Sewage Disposal	- 43,560 sq. ft.
Width:	
	- 200 feet

409.6 Minimum Yard Dimensions

Front Yard:	- 60 feet
Each Side Yard:	- 40 feet
Rear Yard:	- 40 feet

409.7 Maximum Building Coverage and Height

Maximum Building Coverage	- 40%
Maximum Building Height:	- 50 feet
Maximum Impervious Coverage:	
On-Site Water and On-Site Sewage Disposal	- 65%
Public Water and Public Sewage Disposal	- 70%

409.8 Wind Farms

Wind farms are subject to the following criteria:

1. Minimum Lot Size: Twenty (20) acres
2. Height regulations do not apply to wind energy conversion units, provided that the structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from any property line or road right-of-way.
3. Principal Structures: No wind energy conversion unit in a Wind Farm shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the wind energy conversion unit.
4. Wind Farm Support Structure Safety: The Application shall demonstrate that the proposed wind energy conversion units are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All wind energy conversion units shall be fitted with anti-climbing devices, as approved by manufacturers. The Applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind Farm and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the Wind Farm shall provide a certification from a Pennsylvania registered professional engineer that the Wind Farm and all structures comply with all applicable regulations.
5. Controls and Brakes: All Wind Farms shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
6. Visual Appearance/Warnings: Wind Energy Conversion Systems shall be a non-obtrusive color such as white, off-white or gray. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

7. Fencing: A fence may be required around wind energy conversion units and other equipment, unless the design of the structures adequately provides for safety.
8. Landscaping: Landscaping may be required to screen as much of the Wind Farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general screen the Wind Farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
9. Licenses; Other Regulations; Insurance: The design of the Wind Farm shall conform to all applicable industry standards. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The Applicant shall also document compliance with all applicable state and federal regulations. The Applicant shall submit the name, address and emergency telephone number for the operator of the Wind Farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Wind Farm.
10. Access; Required Parking: Access to the Wind Farm shall be provided 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 ten (10) feet with a dust-free, all weather surface for its entire length. If the Wind Farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
11. Use of Public Roads: The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Farm. The Township shall document road conditions prior to construction and again thirty (30) days after construction is complete or as weather permits. The Township may require the Applicant to bond road(s) in compliance with township regulations. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.



12. Local Emergency Services: The Applicant shall provide a copy of the project summary and site plan to local emergency services and volunteer fire department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Farm facility.
13. Communications Interference: The Applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
14. Historic Structures: A wind farm shall not be located within five hundred (500) feet of any structure listed on any public historic register.
15. No advertising shall be permitted on equipment.
16. Color and Lighting; FAA and PA DOT Notice: Wind energy conversion units shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind energy conversion unit may be artificially lighted except as required by FAA requirements. The Applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation.
17. Land Development Plan: A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. The plan shall show wind energy conversion units, buildings, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance of the Township. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development plan shall demonstrate that the proposed Wind Farm will comply with the PA Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
18. Physical Modifications: Any physical modification to an existing and permitted Wind Farm that materially alters the size, type and number of Wind Energy Conversion Systems or other equipment shall require land development approval under the Township Subdivision and Land Development Ordinance. Like-kind replacements shall not require a permit modification.

19. Wind Farm as a Second Principal use: A Wind Farm shall be permitted on a property with an existing use subject to this Ordinance and the following land development standards:
- a. The minimum lot area and minimum setbacks required by this Ordinance for the Wind Farm shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
  - b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - c. The Applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
20. Discontinued Use/Decommissioning: The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Farm facility within twelve (12) months after the end of the useful life of the facility. The Wind Farm facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.
- An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company

or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the Facility Owner or Operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.

If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

## Section 410 Battery Manufacturing Overlay District

### 410.1 Specific Intent

- a. In addition to the conventional I – Industrial zoning district established by this Article, there shall be established a Battery Manufacturing Overlay District.
- b. The Battery Manufacturing Overlay District shall not be an independent zoning district, but shall be a set of special zoning regulations to be applied over and above the zoning regulations otherwise controlling upon a tract of land within the I – Industrial zoning district, as enabled by and described in Section 605 of the Municipalities Planning Code.
- c. The purpose of this overlay district is to provide an incentive for development of the battery manufacturing industry within the I – Industrial zoning district of the Township of Richmond by modifying certain zoning requirements to permit battery manufacturing companies to grow and create new infrastructure within the Battery Manufacturing Overlay District, and to promote the public health, safety and general welfare of the residents and inhabitants of the Township.

- d. To the extent any regulation in this Section conflicts with any regulation in any other Section of this Ordinance, the regulation in this Section shall be controlling.

[Ord. 2012-06]

#### 410.2 Eligibility

Upon request to the Zoning Officer, all parcels within the I – Industrial zoning district of the Township of Richmond which are owned by a national battery manufacturing business serving a national market or which are owned by an industrial development authority or similar financing agency where a national battery manufacturing business serving a national market is the equitable owner of the property are eligible for inclusion in the Battery Manufacturing Overlay District. However, where an existing or proposed building straddles the property line of two or more parcels which would otherwise be eligible for inclusion in the Battery Manufacturing Overlay District, such parcels shall only be included therein if a declaration of easement is recorded in the Office of the Recorder of Deeds for Berks County, indicating that the property upon which the majority of the building is located shall be the beneficiary of an easement imposed upon the other parcel(s) to allow the continued use and occupancy by the owner of the parcel upon which the majority of the building is located for the continued use and occupancy of any part of such building located on the other parcel(s).

[Ord. 2012-06]

#### 410.3 Modifications of Zoning Requirements

The following modifications of this Ordinance shall apply to a development located within the Battery Manufacturing Overlay District, provided that the owner(s) and/or equitable owner(s) of the parcel(s) therein provide to the Township evidence satisfactory to the Township that there are cross-easements between the various affected parcels comprising the overall development to provide for access, stormwater management, parking, and utility service, such that if any one parcel were ever to be transferred to an unrelated owner, that parcel could function as an independent parcel, despite not meeting the underlying zoning requirements of this Ordinance:

- a. Any group of contiguous parcels which are included in the Battery Manufacturing Overlay District shall be treated as a single parcel for purposes of determining compliance with this Ordinance. The outside boundary of the group of contiguous parcels shall be treated as the outside lot line of such single parcel.
- b. Section 501.3, limiting the erection of more than one principal structure or building on a lot, shall not apply within the Battery Manufacturing Overlay District.

Ord. 2011-120, 12/12/2011; as amended by Ord. 2012-06, 8/13/2012, Art. I.

## ARTICLE V

### SUPPLEMENTARY REGULATIONS

#### Section 501 Additional Regulations for All Districts

##### 501.1 Visibility at Intersections

On a corner lot, nothing shall be erected (except street signs, utility poles, traffic signs, or trees whose branches are trimmed to a height of ten (10) feet), placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy-five (75) feet from the point of intersection.

##### 501.2 Fences, Walls, Hedges and Trees

Except as may be required by other provisions of this Ordinance, fences, walls and hedges shall be permitted in any yard provided, however, that no fence, wall (except retaining walls) or hedge along the front edge of any front yard shall be over thirty-six (36) inches in height, however, ornamental fences exceeding thirty-six (36) inches shall be permitted provided that said fence contains an open area of not less than seventy-five (75) percent.

##### 501.3 Erection of More Than One Principal Structure or Building on a Lot

In any district, more than one structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Ordinance shall be met for each structure or building as though it were on an individual lot.

##### 501.4 Exception to Height Regulations

The height limitations contained herein do not apply to spires, cupolas, silos, water tanks or chimneys required to be placed above the roof level and not intended for human occupancy.

##### 501.5 Buildings to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Governing Body, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### 501.6 Corner Lot Restriction

On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located.

#### 501.7 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

#### 501.8 Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewage systems and the Municipality's Subdivision and Land Development Ordinance or other state or local ordinances in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.

#### 501.9 Front Yard Exceptions

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty (50) percent of the required front yard for that district.

#### 501.10 Projections into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard requirements or building coverage:

- a. Decks, terraces or patios, provided that such decks, terraces or patios are unroofed or otherwise enclosed and are not closer than five (5) feet to any adjacent lot line.
- b. Projected architectural features- bay windows, cornices, eaves, fireplaces, chimneys, windowsills, or other architectural features -provided that any single feature does not exceed five (5) square feet in external area.
- c. Uncovered stairs and landings, provided such stairs or landings do not exceed three (3) feet and six (6) inches in height.

- d. Lamp posts, walkways, driveways, retaining walls.
- e. Open balconies provided such balconies are not supported on the ground and do not project more than five (5) feet into any yard nor closer than three (3) feet to any adjacent lot line,

501.11 Noise Control

- a. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use:

Sound Level Limits by Receiving Land Use and Time

Receiving Land Use Category	Time	Sound Level Limit
Residential, Public Space, Open Space, Agricultural or Institutional	1) 7:00 a.m. – 10:00 p.m.	60 dBA
	2) 10:00 p.m. – 7:00 a.m. Plus Sundays and legal holidays	50 dBA
Commercial or Business	1) 7:00 a.m. – 10:00 p.m.	65 dBA
	2) 10:00 p.m. – 7:00 a.m.	60 dBA
Industrial	At all times	70 dBA

- b. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Section 501.11.a shall be reduced by 5 dBA.
- c. The maximum permissible sound level limits set forth in Section 501.11.a. shall not apply to any of the following noise sources:
  - 1. The emission of sound for the purposes of alerting persons to the existence of an emergency.
  - 2. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.



3. Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays or Sundays.
  4. Explosives and construction operations.
  5. Agriculture.
  6. Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
  7. Public celebrations, specifically authorized by the Township.
  8. Surface carriers engaged in commerce by railroad.
  9. The unamplified human voice.
- d. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

#### 501.12 Removal of Topsoil

No excavation in any district shall include the stripping or removal of topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, in which case an amount of topsoil equal to that originating from areas proposed to become impervious may be sold or otherwise removed from the premises.

#### 501.13 Well Setback from Manure Spreading

Where a new well is proposed to be installed on a property, it shall be located a minimum of one hundred feet (100') from any agriculture land on which manure has been spread within the past 5 years. This requirement shall not serve to prohibit the drilling of a replacement well for an existing well which has failed, but the replacement well shall be located so as to maximize the distance (up to 100') of such well from any land on which manure has been spread within the past 5 years.

Section 502 Home Occupations

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, which business or commercial activity satisfies the following requirements:

502.1 Home Occupation – Class I (No-Impact Home-Based Business) Standards

A Class I Home Occupation shall satisfy all of the following conditions:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, lights, or signs except as set forth at Section 506.2.b.1.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable-floor area.

502.2 Home Occupation – Class II Standards

A Class II Home Occupation shall satisfy all of the following conditions:

- a. A “Structure” is defined to include a single or multifamily residence.
- b. For purposes of this subsection, the primary use of the structure shall be a single-family residence.

- c. Only a resident of the structure shall practice the home occupation within the structure.
- d. A “resident” shall include an owner or a tenant in privity of contract with an owner, who lives, cooks, and sleeps in the structure.
- e. No employees other than the resident or residents practicing the home occupation shall be engaged either on a noncompensatory or compensatory basis for the home occupation.
- f. The home occupation shall be incidental or secondary to the structure’s primary use as a residence and shall be limited to a nonprofessional or professional business. Examples of permissible home occupations include, but are not limited to, attorneys, realtors, insurance agents, financial planners, salespersons, artists, engineers, architects, tutors, music instructors, tailors, seamstresses, dressmakers or persons collecting, selling and/or creating crafts, dry goods, including retail sales of clothing, jewelry, food, linens or similar household items by home shows only, with no more than 4 home shows at the residence occupied by the home occupation per calendar year, and mechanical contractors shall be considered permissible home occupations, but shall be permitted to have only one business vehicle located at the property where the home occupation is located and may not include workshops, repair facilities, equipment trailers, excavation or other heavy equipment, or parking of vehicles with more than 2 axles or greater than 10,000 pounds of gross vehicle weight except in an enclosed structure. Nonpermissible home occupations shall include, but are not limited to, doctors, dentists, chiropractors, undertakers, veterinarians, barbers, beauticians, boarding houses, vehicle repair or inspection, printing, the sale of hard goods, building supplies, home and garden supplies, office supplies and equipment, or animal raising, training or boarding.
- g. The home occupation shall only be conducted in the structure’s residential areas, attic, basement, or attached garage, and shall not be conducted in structures not attached to the residence.
- h. Not more than 30% of the total useable square footage of the structure’s residential area, excluding attics, basements and garages, or other storage areas, unless those areas are personally used by the resident for sleeping, cooking or living purposes, shall be used for the home occupation.
- i. No outside structural modifications shall be made to accommodate the home occupation, except for exhaust ductwork or fans necessary to comply with applicable building, health, fire or safety codes; however, minor structural modifications may be made inside the structure to accommodate the home occupation.

- j. The home occupation shall not be visibly carried on outside of the structure's physical space or area.
- k. The practice of the home occupation shall not be visible from the structure's exterior, except for a single contractor's business vehicle permitted under paragraph (f) and the business identification information on a business vehicle permitted under paragraph (m).
- l. No on-street or off-street parking shall be increased that alters the structure's primary use as a residence.
- m. There shall be no outside advertising other than one sign of no more than two (2) square feet in area identifying the home occupation, in accordance with Section 506.2.b.1, and business identification information typically painted on, or attached to, vehicles used in the operation of the business.
- n. No public advertisement of the address of the home occupation shall be made through newspapers, radio, or television to notify the public of the home occupation's existence. However, the use of internet advertising, business cards, the listing of the home occupation in a directory or in the publication of nonprofit institutions, or mailed announcements of the home occupation are permitted.
- o. No display of products related indirectly or directly to the home occupation shall be visible from the structure's exterior.
- p. No storage of materials or products related indirectly or directly to the home occupation shall be permitted outside of the structure or in open areas.
- q. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the property's boundaries; i.e., the metes and bounds description of the property contained in the applicable deed within which the residence is situated.
- r. No potentially dangerous or dangerous effluent from the home occupation shall be discharged into the air, storm or sanitary sewer, or otherwise.
- s. The home occupation shall comply with all permit, license or regulatory requirements of any Federal, State or local agency.

### 502.3 Home Occupation – Class III Standards

Before operating a Class III Home Occupation, a special exception shall be obtained pursuant to the requirements of Section 804.16.

Section 503 Accessory Uses, Buildings, and Structures

503.1 Residential Accessory Buildings, Structures, and Uses

- a. Except as noted elsewhere in this Chapter, no residential accessory building, structure, or use shall be permitted within any required front, side, or rear yard established for each Zoning District, whether or not it is secured to the ground.
- b. The setback from side and rear property lines for accessory buildings and structures on lots containing a net area less than one (1) acre, not used for the housing of an animal or animals and/or fowl and not greater than one hundred and fifty (150) square feet in area shall be the lesser of ten (10) feet or the side and rear yard setback requirements of the applicable Zoning District.
- c. The maximum height of any accessory building or structure shall be twenty (20) feet measured from the mean ground level of the front of the building to the highest point of the roof.
- d. The minimum distance between any accessory buildings or structures and any other building or structure shall be ten (10) feet.
- e. The dimensions of the footprint of any detached building serving a dwelling shall not exceed one thousand six hundred square feet (1,600 s.f.).
- f. Swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, must be located in the rear or side yard only, and the water areas shall be no less than fifteen (15) feet from the side or rear lot lines. All pool walkways, paving, or decks shall be a minimum of five (5) feet from the side or rear property lines. Below ground pools shall be entirely enclosed with a permanent fence not less than four (4) feet in height. Such fence shall contain a self-latching/self-closing gate, which can be locked.

503.2 Non-Residential Accessory Buildings, Structures, and Uses

- a. Except as noted elsewhere in this Ordinance, no commercial or industrial accessory building, structure, or use shall be permitted within any required front, side, or rear yard established for each Zoning District, whether or not it is secured to the ground.

- b. The maximum height of any accessory building or structure shall be twenty (20) feet measured from the mean ground level of front of the building to the highest point of the roof.
- c. The minimum distance between any accessory buildings or structures and any other buildings or structures shall be ten (10) feet.
- d. All storage facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets and no such area shall be located within any required front, side, or rear yard.

Section 504 Multi-Family Residential or Town House Developments

504.1 Permitted Uses

Multi-family or town house buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities, however, coin operated washing and drying machines, and vending machines for food, beverages, newspapers or cigarettes located inside the building shall be permitted provided these are for the tenant's use only. Sample apartments or town house for display purposes shall be permitted for each type of construction.

504.2 Water and Sewer

The proposed development shall be served by public water supply and sewage disposal system, or on an interim basis, a community water supply and sewage disposal system approved by the Department of Environmental Protection.

504.3 Area and Bulk Regulations

All multi-family residential or town house developments shall conform to all of the requirements as herein established:

	<u>Garden Apartments</u>	<u>Town Houses</u>
a. Minimum gross lot area:	5 acres	3 acres
b. Minimum lot width at Building Line:	300 feet	16 feet (1)
c. Maximum building coverage of gross land area:	15%	35%
d. Minimum side yard:	50 feet	30 feet (2)
e. Minimum rear yard:	75 feet	30 feet

f.	Minimum front yard:	75 feet	50 feet
g.	Distance between Buildings:	(See Section 504.4)	
h.	Parking area setback from lot line or street ultimate right-of-way:	20 feet	5 feet (3)
i.	Maximum dwelling units per gross acre	8	6
j.	Minimum usable open space (not including parking or driveway areas) devoted solely to recreational use and activities	15% of the tract (4)	10% of the tract (4)
k.	Maximum height	3 stories or 35 feet	3 stories or 35 feet

Notes:

- (1) Minimum width of a town house dwelling unit is sixteen (16) feet per unit.
- (2) Applies to end building only.
- (3) Applies only to parking lots and joint parking areas, not to separate parking areas for individual town houses.
- (4) Usable open space shall not include front, side and/or rear yards of an individual building.

504.4 Notwithstanding the provisions of the above requirements, the following shall also apply:

- a. There shall be no group of town houses consisting of more than six (6) dwelling units.
- b. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a town house development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials, or use of color.

Variety and flexibility in design, layout and arrangement of buildings, parking areas, services, recreation areas, common open space, and planting that fully consider the particular physical characteristics of the site and natural amenities is highly desired.

- c. The horizontal distance between groups of town houses or garden apartments shall be:
  - 1. Two (2) times the average height of the two groups of town houses or garden apartments for front or rear walls facing front or rear walls;
  - 2. One and one-half (1 ½) times the average height for front or rear walls facing side walls; and
  - 3. Equal to the height of the highest building for side walls facing side walls.
- d. The minimum width of any side yard abutting a street, driveway or parking area shall not be less than thirty (30) feet.
- e. Access and service shall be provided in the front of each town house. Parking may be provided on the lot, as carports, as an integral part of the town house, or a joint parking facility for a group of town houses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.
- f. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.
- g. Garden apartment buildings shall not exceed one hundred fifty (150) feet in length without a fire wall.
- h. In the event a development is designed to contain more than one permitted use, the plan submitted shall indicate an area designation for each such use and all requirements of this Ordinance for each area so designated.

#### 504.5 Parking Facilities

- a. Number of spaces- Off-street parking, whether garage or on-lot, shall be provided on the premises at the rate of two (2) spaces for each dwelling unit.
- b. Location- Required parking shall be provided as follows:
  - 1. An access drives and parking lots shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.



2. Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.
3. Entrance and exit ways shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line.
4. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
5. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for approval.
6. All access ways and parking areas shall be suitably paved with a permanent hard-surface covering.
7. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
8. Any other requirements deemed necessary by the Zoning Hearing Board for the public safety shall be complied with.

#### 504.6 Drainage

- a. A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Stormwater systems shall be designed and constructed in accordance with the Township's Stormwater Management Ordinance or the Sacony Creek Watershed Act 167 Storm Water Management Ordinance, as applicable.
- b. All provisions of existing Municipal Ordinances and Subdivision and Land Development Ordinance regarding storm drainage shall be complied with.

504.7 Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

504.8 Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in air tight, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

504.9 Site Plan Review and Approval

Multi-family and town house developments shall be deemed to be a subdivision governed by the provisions and procedures of the Municipality's Subdivision and Land Development Ordinance and the procedures established in said Ordinance for approval shall be followed.

Section 505 Shopping Centers

Shopping centers shall be in single ownership or under a guaranteed unified management control. Shopping centers shall consist of harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space, and shall be subject to the following provisions:

505.1 Permitted principal uses:

- a. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales;
- b. Business, professional, or banking offices;
- c. Restaurants, cafes, or similar places serving food and/or beverages;
- d. Parking areas for transient motor vehicles, but not for the storage of new or used motor vehicles for lease or sale.

505.2 Permitted Accessory Uses- Located on the same lot with the permitted principal use.

Only the customary accessory uses associated with a commercial district shall be permitted provided they are limited to the same lot as the principal uses.

### 505.3 Uses Permitted Only by Special Exception

- a. Gasoline service stations;
- b. Drive-in establishments.

### 505.4 Area and Bulk Regulations

- a. Lot size - The area for development shall be a minimum of five (5) acres.
- b. Building coverage - Twenty (20) percent maximum.
- c. Building height - Two (2) stories or thirty-five (35) feet maximum.
- d. Front yard - Two hundred (200) feet minimum.
- e. Side yards - One hundred (100) feet minimum each side.
- f. Rear yard - One hundred (100) feet minimum.

### 505.5 Supplementary Regulations

#### Off-Street Parking:

Off-street parking shall be provided on the premises at a ratio of three (3) square feet of off-street parking area for every one (1) square foot of gross floor area. Parking shall be permitted in the area required for front, side and rear yard setbacks up to a point of fifteen (15) feet from any front, side, or rear lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surfaced coverings.

### 505.6 Access and Traffic Controls

All means of ingress or egress from the shopping center to any public street or State highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Municipality.

### 505.7 Interior Circulation

Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other

services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

#### 505.8 Lighting

Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

#### 505.9 Shopping Cart Storage

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

#### 505.10 Screening

- a. All lot lines abutting residential districts, in the Municipality or an adjoining municipality along the side yard or rear yard, shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet and a maximum height of seven (7) feet.
- b. If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along the entire interior lot lines.

#### 505.11 Storage of Trash and Rubbish

Storage areas for trash and rubbish shall be completely screened and all organic rubbish shall be contained in airtight, vermin-proof containers. No such storage area shall be permitted within any required yard space.

#### 505.12 Signs

Signs shall conform to Section 506 of this Ordinance.

#### 505.13 Site Plan Review and Approval

A proposed shopping center shall be deemed to be a land development plan, governed by the provisions of the Municipality's Subdivision and Land Development Ordinance and the procedures established in said Ordinance for approval of plans shall be followed in obtaining approval for all shopping centers.

Section 506 Sign Regulations

506.1 Area of Sign

The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters, or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters, and symbols.

506.2 Permitted Signs

The maximum permitted size of sign and type of sign shall be in accordance with the following regulations:

- a. All Zoning Districts
  1. Official traffic or directional signs and other federal, state, county, or local government signs.
  2. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive, or event.
  3. Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be placed on the property unless the property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
  4. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of each such sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.
  5. Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any such signs shall not exceed four (4) square feet.

6. Signs not located on the same lot as the use to which they relate indicating the existence of, and direction to tourist attractions of a natural, scenic, and/or outdoor recreational nature, provided that no such sign shall exceed twenty (20) square feet, or indicating the existence of, and direction to businesses, churches, farms, and other private institutions located within one mile of such sign, provided that no such sign shall exceed six (6) square feet. No sign permitted under this Section shall utilize any electronic device or lighting mechanism. Written permission to place such sign shall be obtained from the landowner on whose property the sign is to be located.
7. Signs located on the same lot as the use to which they relate indicating the existence of tourist attractions of a natural, scenic, and/or outdoor recreational nature, provided that the total of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of one hundred sixty (160) square feet.

b. Residential and Agricultural Districts

1. Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, or dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use and provided that the area of each such sign shall not exceed two (2) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.
2. Sign, bulletin, announcement board, or identification sign for schools, churches, hospitals, sanitariums, clubs, multi-family dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.
3. Sign offering the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.
4. Sign denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of

cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign on any one (1) street frontage.

c. Signs for Multi-Family Dwellings

The following signs shall be permitted:

1. Free standing real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of the sign does not exceed fifty (50) square feet, that there shall be no more than one (1) such sign on anyone lot on the same street frontage, and that no sign shall be erected so as to stand higher than any of the buildings it advertises. For the purpose of this Ordinance, multi-family dwelling units shall not be advertised by such real estate signs for more than twelve (12) months after building construction is completed.
2. Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a rental office or sample apartment.
3. Permanent identification signs for the purpose of indicating the name of the multi-family project and for the purpose of identifying the individual buildings within the project. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten (10) square feet in size. Signs to identify the individual buildings within the project shall not exceed six (6) square feet in size.

d. Commercial and Industrial Districts

1. Signs directing patrons, members, or audiences to temporary exhibits, shows, or events and signs erected in conjunction with a political election, provided that such sign shall not exceed six (6) square feet, shall be removed within two (2) weeks after the date of the exhibit, show, event, or election, shall not be posted earlier than two (2) weeks before the date of the exhibit, show, or event, and that political signs shall not be posted earlier than one (1) month prior to an election.
2. Business or industrial signs on the same lot as the use to which it relates, provided that the total of such signs shall be limited to two (2) square feet for each linear foot of horizontal building facade

length, but not to exceed an aggregate area of one hundred sixty (160) square feet.

3. Special temporary promotional devices, signs, or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed thirty (30) consecutive days.

e. Off-Premise Advertising Signs in the Industrial, Light-Industrial and C-2 Commercial Districts.

Off-premise advertising signs, including billboards, are permitted by special exception in the Industrial District, the Light-Industrial District and the C-2 Commercial District. The following regulations shall apply:

1. No off-premise advertising signs shall be erected on any lot where there is an existing improved principal use.
2. All applicable dimensional requirements of the Richmond Township Zoning Ordinance shall be met except as may be modified by this section.
3. An open space of not less than four feet (4') shall be maintained between the lower edge of an off-premise sign display surface and the ground.
4. No off-premise advertising sign shall be erected on any corner lot.
5. No portion of the supporting structure shall be visible above any advertising display area.
6. No off-premise advertising sign shall be located closer than one thousand feet (1,000') to the nearest off-premise sign on the same side of the highway having an advertising surface facing in the same direction, regardless of the size of the sign, including existing signs in adjacent municipalities.
7. No off-premise advertising sign shall be erected, or any existing sign maintained, that incorporates flashing, scintillating, beacon, or running lights.
8. Illumination of off-premise advertising signs may be permitted provided that such illumination is effectively shielded so as to prevent beams or rays of light from being directed to the sky or at any portion of the travelway and at adjacent or other properties.



9. An off-premise advertising sign shall be erected on permanent footings and all sign support structures for off-premise signs over one hundred (100) square feet area in size must be constructed by a commercial sign company and/or designed by a professional engineer.
10. The applicant shall have a lease agreement which permits the applicant access to the property to maintain the sign, if the land upon which the sign is to be placed is owned by anyone other than the applicant. The applicant must provide the Township with a copy of the lease agreement prior to issuance of a zoning permit. The lease agreement shall have provisions for and shall provide monetary security for the removal of the sign at the termination of the lease.
11. The permittee, at his sole expense, shall remove any off-premise sign if the sign remains without bona fide advertising for twelve (12) consecutive months.
12. The permittee, at his sole expense, will keep all advertising surfaces, support structures and immediate surroundings at the base of each sign free of debris and graffiti, and shall otherwise keep the same well maintained.
13. No off-premise advertising sign shall show any lewd, pornographic or lascivious material.
14. No off-premise advertising sign shall be erected within one thousand five hundred feet (1,500') of an intersection utilizing a traffic light.
15. No off-premise advertising sign shall be erected within three hundred fifty feet (350') of any residential dwelling or within one thousand five hundred feet (1,500') of any church or cemetery.
16. Each side of a single or double-faced sign shall be allowed an advertising display area of not more than two hundred (200) square feet, exclusive of embellishments, and said embellishments shall not exceed fifteen percent (15%) of the total display area.
17. Each double-faced off-premise advertising sign shall have a maximum of one surface facing in one direction. Both surfaces shall be the same shape and size. The total display area of each side shall not exceed two hundred (200) square feet. The signs shall not form an interior angle of greater than twenty-five (25) degrees.

18. In addition to the dimensional requirements of the Richmond Township Zoning Ordinance, off-premise signs shall not exceed a height of twenty-five feet (25') above the adjacent ground elevation or thirty-five (35') above the surface of the road, whichever is lesser in height. No part of any off-premise sign shall be closer than thirty-five feet (35') to the nearest right of way or property boundary line.
19. The applicant for the special exception shall demonstrate to the Richmond Township Zoning Hearing Board that the street or streets on which the sign is proposed to be erected, within one thousand feet (1,000') in both directions from the proposed location of the sign, is not a high traffic accident area. A high traffic accident area is defined as one in which more than twenty-five (25) traffic accidents (reportable or nonreportable) have occurred over a period of the three (3) previous calendar years prior to the year in which the application is made.
20. The applicant shall demonstrate compliance with the requirements of The Outdoor Advertising Control Act of 1971 (36 P.S. Section 2718.101 -2718.115) as amended, and any other state, federal or local laws, rules or regulations.

### 506.3 Supplemental Sign Regulations

The following regulations shall apply to all signs except off-premises advertising signs as set forth at Section 506.2.e.

- a. **Projection:** No sign shall project more than twelve (12) inches from the building facade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.
- b. **Height:** No sign that is part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular district in which they are located.
- c. **Clearance:** No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- d. **Illumination:** Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights, provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.

- e. Placement: No sign shall be permitted which is posted, stapled or otherwise attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five (5) feet of any side lot line.
- f. Construction: All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- g. Non-conforming Signs: Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, provided such repainting or repairing does not exceed the dimensions of the existing sign.

Section 507 Off-Street Parking and Truck Loading Requirements

507.1 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 or a lot is changed to a use requiring more parking facilities.

507.2 Each parking space shall have minimum dimensions of nine feet (9') by eighteen feet (18'). In addition, appropriate driveways, aisles and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area as provided for parking purposes. Safe and convenient access from a street, alley or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be nine feet (9') by twenty-two feet (22').

507.3 Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street ultimate right-of-way line. Parking spaces within residential garages are not controlled by the requirements of this Section. Parking spaces for non-residential uses shall be provided for on the same lot as the use being served or in parking facilities within three hundred feet (300') of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.

507.4 Joint parking facilities for two (2) or more uses on the same lot may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

507.5 All parking lots and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper

drainage and shall be maintained in usable condition. The maximum grade of areas for parking shall not exceed six percent (6%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other premises.

507.6 No areas necessary to fulfill the off-street parking requirements of this Section shall be used for the sales, storage, repair, dismantling or servicing of vehicles.

507.7 Off-street parking facilities existing on the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Section for a similar new building or use.

507.8 The width of aisles in parking areas shall be not less than listed in the following table:

Angle of Parking	Aisle Width	
	One-way	Two-way
90°	20'	24'
60°	18'	
45°	15'	
30°	12'	

507.9 When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction one-fourth (1/4) and above shall necessitate the provision of a full parking space.

507.10 Parking areas for non-residential uses shall be designed such that vehicles will not back out onto a public street.

507.11 The design of parking areas shall be such as to prevent to the greatest extent possible the cueing of vehicles on a public street at the entrance to parking areas.

507.12 Where temporary (moveable) seating can be utilized, the number of parking spaces to be provided shall include the number of temporary seats possible in normal usage.

507.13 Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space will extend over any property line.

507.14 Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned R-C, R-A, R-1, TN, or R-2 which is adjacent to the land on which the non-residential parking area is located, and shall be located a minimum of twenty feet (20') from any land so zoned.

507.15 Parking areas for non-residential uses shall be located a minimum of twenty (20) feet from an ultimate street right-of-way line, and the area between the parking area and the street right-of-way lines shall be landscaped. Such parking areas shall be located not less than one-half (1/2) the minimum required side or rear yard dimension of the Zoning District(s) in which the lot is located from said side or rear yard lot line and the area between the parking area and side or rear lot line shall be landscaped.

In addition, parking areas shall be located a minimum of thirty (30) feet from an ultimate street right-of-way line in the C-1 and C-2 Districts; and minimum of fifty (50) feet from a street right-of-way line in the L-I and I Districts.

507.16 The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitors, and customer parking. Minimum off-street parking requirements shall be as follows:

**OFF-STREET PARKING REQUIREMENTS**

<b>CATEGORY</b>	<b>NUMBER OF REQUIRED OFF-STREET PARKING SPACES</b>
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**AGRICULTURAL USES**

Agriculture	1 per employee
Animal Hospital/Veterinarian	1 per employee + 4 per doctor
Animal Husbandry	1 per employee
Greenhouse/Nursery	1 per employee + 1 per 120 SF GFA
Kennel	1 per employee + 1 per 8 animals of capacity
Riding Stable	1 per employee + 1 per 4 animals of capacity
Seasonal Roadside Produce Stand	1 per employee + 1 per 120 SF of area to customers devoted

**RESIDENTIAL USES**

Dwelling, 3 bedrooms or less	2 per dwelling unit (in addition to any parking provided within a garage)
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Dwelling, 4 bedrooms or more	3 per dwelling unit (in addition to any parking provided within a garage)
Group Home	1 per each employee on day shift + 1 space per bed.
Housing for the Elderly	1 per 4 dwelling units + 1 per each employee on day shift
Rooming/Boarding House, Fraternity and other Similar Places	1 per roomer/boarder + 1 per each rental unit + 1 for each employee

### **RECREATIONAL USES**

Bowling Alley	5 per lane
Health Club	1 per 60 SF GFA + 1 per employee on largest shift
Indoor Recreation (Membership Club, Library, Community Center)	1 per 45 SF of floor area devoted to customers use* + 1 per each employee on largest shift
Outdoor Recreation (Ball fields, Golf Course)	1 per 3 persons of design capacity + 1 per each employee on largest shift
Swimming or Tennis Club	1 per 3 persons of maximum occupancy + 1 per each employee on largest shift
Stadium	1 per 3 seats + 1 per employee on Largest shift
Theater or Auditorium	1 per 3 seats + 1 per employee on largest shift

### **INSTITUTIONAL AND EDUCATIONAL USES**

College or University	1 per 2 students + 1 per employee on largest shift
Conference/Training Center	1 per 2 seats + 1 per employee

Cultural Center	1 per 500 SF GFA + 1 per employee (indoor facility) or 1 per 4,000 SF of lot area dedicated to use + 1 per employee (outdoor facility)
Hospital/Nursing Home	1 per bed + 1 per employee
Medical or Dental Office/Clinic	4 per doctor + 1 per employee
Nursery/Day Care Center	1 per employee + 1 per 6 children
Places of Worship	1 per 3 seats in sanctuary + 1 per employee
School, Elementary/Jr. High	2 per admin. employee + 1.2 per additional employee + 0.25 per gymnasium seat
School, High	1 per employee + 1 per every 3 students accommodated at one time + 0.25 per gymnasium seat
Utility Substation	1 per vehicle required to service such facility

### **RETAIL AND COMMERCIAL SERVICE USES**

Adult Bookstore	1 per 100 SF GFA + 1 per employee
Auto, Gas/Service/Repair	2 per service bay + 1 per employee
Auto, Recreational Vehicle or Boat Sales	1 per 10 vehicles/RVs/boats on display + 1 per each employee
Fast Food Restaurant	1 per 30 SF GFA + 1 per employee on largest shift
Financial Institution	1 per 250 SF GFA + 1 per employee
Food Stand	1 per 20 SF GFA + 1 per employee
Funeral Home	1 per 50 SF* + 1 per employee

Hotel/Motel	1 per guest unit + 1 per each employee on largest shift. Parking for any associated restaurant, nightclub, conference/training, recreation or other use shall be calculated separately.
Laundromat	1 per 3 machines + 1 per each employee
Nightclub	1 per 30 SF GFA + 1 per employee on largest shift or 1 per 2 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Office, less than 400 SF	1 per 150 SF GFA
Office, more than 400 SF	1 per 250 SF GFA
Outdoor Flea Market	1 per 1,500 SF of lot area dedicated to use
Personal Service Business	1 per 150 SF * + 1 per employee
Restaurant/Tavern	1 per 40 SF GFA + 1 per employee on largest shift or 1 per 3 persons of maximum occupancy + 1 per employee on largest shift, whichever shall require more spaces
Retail/General Merchandise Store	1 per 200 SF GFA + 1 per employee
Shopping Center	5 per 1,000 SF GFA

**INDUSTRIAL, WHOLESALE, AND WAREHOUSING USES**

Industrial, Manufacturing or Warehousing Uses	1 per each employee on two largest successive shifts
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\* Of all floor area occupied by equipment, furnishings, or inventory accessible to customers or patrons, but not including corridors, toilet rooms and other such accessory rooms as may be provided.

GFA - Gross Floor Area.



For any building or use not covered above, the Zoning Officer shall apply the standard of off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

507.17 In addition, handicapped/disabled reserved parking spaces shall be provided in accordance with the following guidelines:

- a. 1 reserved space for lots having 3 to 25 spaces
- b. 2 reserved spaces for lots having 26 to 50 spaces
- c. 3 reserved spaces for lots having 51 to 75 spaces
- d. 4 reserved spaces for lots having 76 to 100 spaces
- e. 5 reserved spaces for lots having 101 to 150 spaces
- f. 6 reserved spaces for lots having 151 to 200 spaces
- g. 7 reserved spaces for lots having 201 to 300 spaces
- h. 8 reserved spaces for lots having 301 to 400 spaces
- i. 9 reserved spaces for lots having 401 to 500 spaces
- j. 2% of the total number of spaces for lots having 501 to 1000 spaces.
- k. 20 spaces plus 1 for every 100 spaces over 1000 for lots of 1001 spaces and over.
- l. One in every 8 reserved parking spaces for the disabled, but not less than one (1), shall be designated as van accessible for the disabled.

507.18 Reserved parking spaces shall be the spaces closest to the nearest customer entrance to the building served by the parking lot.

507.19 Each reserved parking space shall have the appropriate signs erected at the front of the space. One set of signs shall be required for every space. All signs shall conform to PennDOT and ADA regulations.

507.20 The signs shall be mounted on a secure post with the bottom of the lower sign being a minimum of 3.5 feet above the ground level. The required signs are as follows:

- a. For a standard reserved parking space, a "Reserved Parking" sign, PennDOT (R7-S) shall be mounted on top and a "Violators Subject to Fine

and Towing, Min. Fine \$50, Max. Fine \$200" sign, PennDOT (R7-SB) shall be mounted below.

- b. For a van accessible parking space, a "Reserved Parking" sign, PennDOT (R7-S) shall be mounted on top, a "Van Accessible" sign, PennDOT (R7SA) shall be mounted in the middle, and a "Violators Subject to Fine and Towing, Min. \$50, Max. Fine \$200" sign, PennDOT (R7-SB) shall be mounted below.

507.21 Each reserved parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.

507.22 The van accessible reserved parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle eight feet (8') wide minimum with diagonal white lines.

507.23 Each reserved parking space shall be a minimum of eighteen feet (18') long.

[Ord. 2012-06]

507.24 All reserved parking spaces shall be identified by painting the pavement surface handicap blue in color, outlined with white lines.

507.25 All reserved parking spaces shall be further identified by having the universal handicapped/disabled symbol painted on the blue space. This symbol shall be white in color.

507.26 All reserved parking spaces and their respective signs shall be regularly maintained by the owner to ensure their continued compliance to the law.

507.27 Off-Street Truck Loading

- a. Paved off-street loading and unloading spaces with proper access from a street, driveway or alley, shall be provided on any lot on which a building for trade, business, industry or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments 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 and pedestrian ways. Loading areas shall not be located within required yards as established by the Zoning District(s) in which the lot is located. The area between the parking area and side or rear lot line shall be landscaped.

- b. The applicant shall indicate all provisions for off-street loading and include supporting data on the number, frequency and schedules, and size of vehicles, which will serve the facility.

The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use.

507.28 Motor vehicles, boats or trailers of any kind or type without current license plates shall not be parked or stored on any public street or other than in completely enclosed buildings or the rear yard.

507.29 The parking of vehicles, the commercial operation of which would require a Commercial Driver's License in Pennsylvania, on lots on which the principal use is residential, shall be allowed by right, subject to the following requirements:

- a. all such commercial vehicles shall be properly licensed, over-the-road vehicles;
- b. the lot on which the vehicle is to be parked shall have a net lots area of at least 0.75 acres;
- c. the vehicle shall be used by a resident of the lot for transportation to or from the resident's place(s) of employment; and
- d. where the subject property adjoins (to side, front, or rear) lots on which the principal use is residential, or which are zoned to allow residential uses by right, the following shall apply:
  - 1. such commercial vehicles shall be parked a minimum of thirty feet (30') from an ultimate street right-of-way line,
  - 2. such commercial vehicles shall be parked no closer to any lot line than a distance equal to one-half (1/2) of the required setback for the yard in which the vehicle is located, and
  - 3. the area between the commercial vehicle and the adjoining residential property shall be landscaped to provide a visual screen.

The parking of such vehicle on a residential lot shall not alone be deemed an accessory use or the practice of a home occupation. This section is not intended to allow for the storage of any type of vehicles, commercial equipment or supplies on the property, unless such storage is otherwise permitted under this Ordinance. The parking on a residential property of commercial vehicles for which a

Commercial Driver's License is not required for commercial operation shall not be regulated by this section.

Ord. 2011-120, 12/12/2011; as amended by Ord. 2012-06, 8/13/2012, Art. III.

## Section 508 Mobile Home Parks

All such facilities shall conform to all of the requirements of the Commonwealth of Pennsylvania for mobile home parks and applicable Subdivision regulations, in addition to the following regulations:

### 508.1 Park Site

The park site shall be well drained and have such grades and soil as to make it suitable for the purpose intended. All such parks shall be planned as a unit and shall be located on a tract of land at least five (5) acres in size. The area of said site shall be in single ownership or under unified control.

### 508.2 Lot Requirements

All lots in any mobile home park shall be well drained and graded to a point where mobile homes may be parked. In all instances as much natural vegetation as is reasonably possible shall be preserved by any mobile home park developer.

- a. Individual mobile home lots located in a mobile home park shall contain at least five thousand (5,000) square feet of lot area and shall not be less than fifty (50) feet wide at the building setback line, exclusive of easements.
- b. The maximum number of mobile home lots that may be approved in a mobile home park shall be computed by subtracting from the gross area a fixed percentage of ten (10) percent of said areas for usable open space and dividing the remaining ninety (90) percent of the area by the minimum lot requirements set forth above.
- c. In computing the maximum number of mobile home lots that may be created, any lands which are located within a flood plain area, which are subject to either periodic flooding, seasonal high water table, public utility easements, or which have a slope in excess of twenty-five (25) percent shall not be considered part of the total gross area.
- d. All mobile home lots shall be given street numbers and all park streets shall be given names.

### 508.3 Yard and Setback Requirements

- a. All mobile homes shall be located at least seventy-five (75) feet from any street right-of-way which abuts a mobile home park boundary and at least fifty (50) feet from any other park boundary line.
- b. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining rights-of-way of a park street, common parking areas or other common areas.
- c. All mobile homes shall be separated from each other and from other buildings by at least twenty (20) feet.

#### 508.4 Park Street System

- a. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exits and allow free movement of traffic on adjacent streets. Each mobile home park shall be provided with at least two (2) points of ingress and/or egress and a distance of at least one hundred fifty (150) feet shall be maintained between centerlines of access streets.
- b. All mobile home parks shall be provided with safe and convenient paved access streets to each mobile home lot. Alignment and gradient shall be properly adapted to topographic conditions.
- c. All streets within any mobile home park shall have a minimum right-of-way of fifty (50) feet, and a minimum cartway width of thirty-six (36) feet. All streets shall be paved in accordance with Municipal specifications and shall be kept in good repair.
- d. Not more than two (2) streets shall intersect at any one point and a distance of at least one hundred fifty (150) feet shall be maintained between centerlines of offset intersecting streets.

#### 508.5 Required Off-Street Parking

- a. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of two (2) vehicular parking spaces for each mobile home lot.
- b. Each off-street parking space shall contain at least two hundred (200) square feet. Common parking areas shall not be located further than three hundred (300) feet from the mobile home lots they are intended to serve.

## 508.6 Utility Improvements

- a. All mobile home parks shall provide to each separate mobile home a continuing supply of potable water approved by the State Department of Environmental Protection.
- b. All mobile home parks shall provide to each separate mobile home connection to public sewer or temporary connections to a centralized sanitary sewage disposal system approved by the State Department of Environmental Protection.
- c. No Zoning Permit shall be issued until the sewage disposal and water distribution system plans for the mobile home park have been approved by the State Department of Environmental Protection.
- d. All mobile home parks shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specification regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.
- e. Natural Gas Systems
  1. Natural gas piping systems, when installed in mobile home parks, shall be maintained in conformity with accepted engineering practices.
  2. Each mobile home provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- f. Liquefied Petroleum Gas (LPG) Systems
  1. Liquefied petroleum gas systems, when provided in mobile home parks, shall include the following:
    - (a) Systems shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location.
    - (b) Systems shall have at least one (1) accessible means for shutting-off gas located outside the mobile home, and which shall be maintained in effective operating condition.

- (c) All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
- (d) Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity shall be secured to prevent accidental overturning.
- (e) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

g. Fuel Oil Supply Systems

- 1. All fuel oil supply systems, when provided in mobile home parks, shall be installed and maintained in conformity with the following regulations:
  - (a) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.
  - (b) All fuel oil supply systems shall have shutoff valves located within five (5) inches of storage tanks.
  - (c) All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five (5) feet from any mobile home parking area or exit.
  - (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

508.7 Usable Open Space

Usable open space shall be so located as to be reasonably free of traffic hazards, centrally located, and easily accessible to all park residents.

- a. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- b. Park grounds shall be maintained free of vegetation growth which may harbor rodents, insects, or other harmful pests.

#### 508.8 Buffer Strips

The perimeter of mobile home parks shall be suitably screened from view of adjoining districts either by fencing or a planting strip of sufficient depth, height, and density. The developer shall submit a screening plan with the zoning permit application.

#### 508.9 Walkways

- a. Mobile home parks shall be provided with hard surfaced pedestrian walks, four (4) feet wide between individual mobile home lots, and common walks to all community facilities provided for park residents.
- b. All mobile home lots may be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall be a minimum width of two (2) feet.

#### 508.10 Other Site Improvements

- a. The park operator shall require that a fire extinguisher of an approved type shall be maintained in each mobile home and in all public service buildings under park control.
- b. Provision shall be made by the park operator to have garbage collected at least once every week. No centralized waste collection station shall be located on the park site.
- c. Each mobile home lot shall be provided with a four (4) inch concrete slab on a stable surface at least ten (10) feet by eighteen (18) feet in size for use as a terrace.
- d. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

#### 508.11 Park Areas for Non-Residential Uses

- a. No part of any mobile home park shall be used for a non-residential purpose, except where required for the management and maintenance of the park.
- b. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to utilities.

Section 509 [Repealed. Reserved for Future Use.]



Section 510 Single-Family Development within the R-A Rural-Agricultural District

In the R-A Zoning District, the Governing Body may authorize by conditional use single-family development subject to the following requirements:

- a. Except where necessary to permit a lot for single-family dwelling purposes pursuant to this Section of this Ordinance or to permit the uses in Section 402.1 of this Ordinance, subdivision of land within the R-A District shall be limited to the division of land for agricultural purposes of parcels of more than ten (10) acres, not involving any new streets or easements of access, or to the creation of a parcel less than ten (10) acres for the purpose of transferring the parcel to an adjacent property owner, provided: that 1) the subdivider or owner maintains at least ten (10) acres in the original tract; and 2) the parcel transferred must be used solely for agricultural purposes.

Tracts of land existing at the adoption of this Ordinance shall be limited, subject to approval by the Governing Body as a conditional use, to the following number of single-family detached dwelling lots.

<u>Size of Tract of Land</u>	<u>Maximum Number of Single Family Dwelling Lots</u>
0-9 acres	1
10-49 acres	2
50-99 acres	3
100-149 acres	4
150-199 acres	5
200-249 acres	6
250-299 acres	7
300-349 acres	8
350-399 acres	9
400-449 acres	10
450-499 acres	11
500-549 acres	12
550-599 acres	13
600-649 acres	14
650 or more acres	15

Note: 1) Fractions or parts of acres shall not be considered in determining the maximum number of lots provided for this section.

2) A property owner submitting a subdivision plan shall be required to specify on the Plan which parcel shall carry with it the right to the quota or unused quota of additional single-family dwellings.

3) Any lot created to be annexed shall also be counted towards the above maximum number of single-family dwelling lots.

4) All single-family dwellings, including farmsteads and dwellings occupied by a farmer, existing prior to the adoption of this Ordinance shall be permitted in addition to the above permitted number of units.

- b. New single-family detached dwellings shall be located on soil other than prime farmland, as identified on the Zoning Map "Prime Agricultural Land" overlay or on land which cannot feasibly be farmed due to land characteristics, slope or size and shape of area. Where in the opinion of the Governing Body, location on soils other than prime farmland is not feasible, the Governing Body may permit the location of dwellings on prime farmland soils, however, the location shall be on the least agriculturally productive land feasible or such area that minimizes interference with agricultural production.
- c. Any land owner disagreeing with the classification of his property or any part of it as prime farmland may submit an analysis prepared by an engineer, geologist, or soil scientist indicating soil classification based on field tests. The Governing Body may upon review of the submitted report, reclassify the property in question in accordance with findings submitted for purposes of this Ordinance.
- d. The lot size for all new single-family dwellings, as permitted by Section 510(a), shall be at least one (1) acre. A larger lot size may be authorized by the Governing Body, not to exceed 1.5 acres, if the owner can substantiate that increases in size of the property will not adversely affect the objectives of this Section or that the physical characteristics or soil characteristics require in excess of one (1) acre in order to locate the dwelling, accessory structures, driveways, or on-site well or sewage disposal facilities.
- e. Lots for the location of single-family detached dwellings in addition to those authorized by subparagraph (a) may be permitted provided that the dwelling units proposed are located on lots which consist of low quality agricultural land. Land shall be considered of low quality for agricultural use if:
  - 1. The land is in Soil Capability Units IV through VIII as classified by the Soil Conservation Service; or
  - 2. The land cannot feasibly be farmed:

- (a) Due to the existing features of the site such as rock formation which does not permit plowing, swamps, heavily wooded areas, or slopes exceeding fifteen (15) percent; or
- (b) Due to the size or shape of the area, the area is unsuitable for farming and efficient use of farm machinery.

Such additional lots must meet all the requirements of this Ordinance (Sections 402.5, 402.6, and 402.7).

- f. All plans for the subdivision or land development as may be authorized pursuant to this Section shall also be deemed to be governed by the provisions, requirements, and procedures of the Municipality's Subdivision and Land Development Ordinance and said Ordinance shall be followed for all plan approvals.

Section 511 Land Application Storage or Disposal of Spent Mushroom Substrate or Mushroom Compost and Nutrients on an Intensive Agriculture Operation

All land application, storage, or disposal of spent mushroom substrate or mushroom compost shall be in accordance with an approved Mushroom Farm Environmental Management Plan (MFEMP) and the DEP's Best Practices for Environmental Protection in the Mushroom Farm Community manual.

All land application, storage, or disposal of nutrients on an Intensive Agricultural Operation shall be in accordance with an approved Nutrient Management Plan (NMP) and applicable State regulations.

Section 512 Slope Controls

It is the intent of this section to supplement the zoning district regulations in order to reduce some of the potential dangers caused by erosion, stream siltation, and soil failure in certain circumstances, and to promote ecological balance among natural systems that could be adversely affected by development on certain steep slope areas of the Township. Among the steep sloped areas subject to this regulation are three categories of slope based on the angle of the slope; within those three categories steeper slopes are more sensitive to erosion and soil failure than less steep slopes. Accordingly, regulation of the disturbance of steeper slopes is greater than that of less steep slopes. Furthermore, certain types of land use result in greater impacts on steep sloped areas than other land uses. Residential development involving the construction of new streets within steep sloped areas can require substantial re-grading of environmentally sensitive areas and the creation of large areas of impervious surface with resulting stormwater flows. Accordingly, this regulation imposes greater restrictions on the development of residential land uses involving the creation of new streets than residential development not involving the creation of any new streets. Also, residential developments typically involve a longer period of time to complete build out compared to non-residential

developments. As a result of the different construction time frames, residential developments do not receive the same construction inspection scrutiny throughout the period of development that occurs with non-residential developments. The difference in construction inspection scrutiny results in a greater probability that adverse environmental consequences will result from residential land use development than non-residential land use development. Therefore, greater regulation of steep slope disturbance at the planning stage is appropriate in the case of residential development involving the creation of new streets than development of non-residential land uses. In addition, the commercial and industrial zoning districts of the Township (C-1, C-2, L-I, and I) are small zoning districts with very limited physical area available for development but in which the Township intends to encourage more intensive land uses. Because it is the policy of the Township, as expressed in the Comprehensive Plan, to promote economic development, to ensure the availability of goods and services, and to promote employment, within the designated commercial and industrial zoning districts of the Township, these goals must be weighed against the goal of the Township to protect environmentally sensitive steep sloped areas. Accordingly, it is the intent of the Township to be permissive regarding the disturbance of steep slopes within the physically small areas of the Township identified for commercial and industrial land uses. Furthermore, areas of steep slope which have already been disturbed by human activity are not deserving of protection because the steep slope within such areas is the result of re-grading, excavation, or other manufactured conditions, and not natural conditions; environmental impacts from these areas are historical, not prospective.

[Ord. 2015-5]

512.1 Slopes are determined by measuring the change in elevation over horizontal distance between consecutive contour lines. More specifically, for the purposes of this Ordinance, slope shall be determined as follows:

- a. Slope boundaries shall be established when measured over three (3) or more two (2) foot contour intervals (six (6) cumulative vertical feet of elevation).
- b. For lots over four (4) acres, slope boundaries may be established when measured over two (2) or more five (5) foot contour intervals (ten (10) cumulative vertical feet of elevation).
- c. Contours used to determine slope boundaries shall be based on topographic survey prepared by a registered surveyor.
- d. Slopes boundaries may be determined by aerial photogrammetric methods, by use of information taken from U.S.G.S. Quadrangles, or by other means, only when approved by the Zoning Officer, who may request that in certain areas the slope boundary determination be supplemented by topographic survey.

- e. Final slope boundary interpretation and determination shall be made by the Zoning Officer.

512.2 Where the area of slope is one thousand (1,000) square feet or less of contiguous area, the slope controls set forth in this section shall not apply.

512.3 Maximum Allowable Disturbance Area

- a. The following restrictions shall apply to all residential development, except minor subdivisions and development of existing residential lots, in all zoning districts within the Township. The maximum amount of naturally occurring slope that may be disturbed within each category of naturally occurring slope on a lot by lot basis shall be as listed below:

<u>Slope Category</u>	<u>Maximum Allowed Disturbance</u>
8-14.99%	30%
15-24.99%	15%
25% or greater	10%

- b. The following restrictions shall apply to all non-residential development in the R-C, R-A, R-1, TN, and R-2 Zoning Districts and minor subdivisions and development of existing residential lots in all zoning districts within the Township. The maximum amount of naturally occurring slope that may be disturbed within each category of naturally occurring slope on a lot by lot basis shall be as listed below:

<u>Slope Category</u>	<u>Maximum Allowed Disturbance</u>
8-14.99%	50%, but only if more than 50% of the lot is disturbed
15-24.99%	25%, but only if more than 33% of the lot is disturbed
25% or greater	10%, but only if more than 33% of the lot is disturbed

[Ord. 2015-5]

512.4 The following controls shall apply in all areas where the slope of the land exceeds twenty-five percent (25%):

- a. An erosion and sedimentation control plan prepared by the applicant shall be approved by the Township Engineer prior to any earth moving activities disturbing less than 5,000 square feet.

[Ord. 2015-5]

- b. Prior to any alteration of the existing grade, a grading plan shall be submitted to the Township for approval by the Zoning Officer.

- c. The applicant shall indicate the methods whereby structural and foundation problems caused by slope conditions will be resolved and how storm water management will be maintained.

512.5 Unless proposed as part of an overall grading plan for a subdivision, the re-grading of any property, whether by the placement of fill or excavation, shall be setback a minimum of:

- a. Ten (10) feet from all property lines where the slope of the land is equal to or less than twenty-five percent (25%); and
- b. Twenty (20) feet from all property lines where the slope of the land is greater than twenty-five percent (25%).

512.6 The minimum Lot Size within the Rural Conservation (R-C) zoning district shall be two (2) acres except that the lot size shall be increased when the lot contains slopes of fifteen percent (15%) or greater as described below:

- a. The required minimum lot size shall be determined by a weighted calculation based on the area of the lot contained within each slope category, and the minimum area required for that slope category. The basis for the weighted calculation shall be:

<u>Slope Category</u>	<u>Minimum Area</u>
Under 15%	2 acres
15%-24.99%	3 acres
25% or greater	4 acres

- b. The methodology for the weighted calculation is that within each lot, the area of each slope category shall be determined as well as the percentage of the entire lot which this represents. That percentage shall be converted to a decimal and multiplied by the minimum area required for that category. Those values shall be added together to determine the minimum lot size. For example:

Within the boundaries of a proposed 3.53 acre lot there is:  
 0.84 acres of slope under 15%  
 1.27 acres of slope in the 15%-24.9% category  
 1.42 acres of slope 25% or greater

that means:

24% of the lot is under 15% slope  
 36% is in the 15%-24.9% slope category  
 40% is 25% or greater slope

then weighting and totaling:

0.24 x 2 = 0.48  
0.36 x 3 = 1.08  
0.40 x 4 = 1.60  
3.16 acres required acres  
3.53 acres proposed therefore minimum lot size is met

Ord. 2011-120, 12/12/2011; as amended by Ord. 2014-02, 7/14/2014, §1; as amended by repeal of Ord. 2014-02 and reinstating Ord. 2011-120 by Ord. 2014-03, 10/13/2014, §§1-3; as amended by Ord. 2015-05, 12/14/2015, §§3-5.

### Section 513 Agricultural Related Businesses

Agricultural related businesses which are permitted by Conditional Use in the R-A zoning district are subject to the following conditions:

- 513.1 The minimum lot size shall be ten (10) acres and shall have been actively farmed from November 16, 1996 to the time application is made for a Conditional Use approval.
- 513.2 Adequate off-street parking shall be provided on the same lot as the building or activity served. Parking areas shall be designed so that vehicles will not have to back onto a public street.
- 513.3 Entrances and exit ways shall have a minimum width of twelve (12) feet for each lane of traffic and shall not be greater than thirty (30) feet in width at the street line; they shall also be designed to prevent blocking of vehicles entering or leaving the site.
- 513.4 Means of ingress and egress to any public street shall not be located closer than two hundred (200) feet from an intersecting street.
- 513.5 Any goods, materials or equipment shall not be displayed, stored or sold in the front or side yards; and such goods, materials or equipment shall be displayed or stored or arranged in an orderly manner to permit access by fire-fighting equipment.
- 513.6 All outdoor storage shall be screened by evergreen planting of sufficient height and density to keep it from view from a public street and adjacent residences.
- 513.7 No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.
- 513.8 No glare, vibration or heat detectable beyond the property boundary shall be permitted.

- 513.9 No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process, or otherwise could cause the emission of dangerous or objectionable elements.
- 513.10 No noise audible beyond the property boundary shall be permitted which exceeds the average intensity of noise of street traffic at the front lot line. Noise due to intermittence, beat, frequency or shrillness shall be muffled.
- 513.11 No emission of any smoke shall be permitted.
- 513.12 Electric or electric devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
- 513.13 New buildings or structures erected for any agricultural related business shall be limited to a maximum floor area of eight hundred (800) square feet. All required district minimum yard requirements, building coverage and building height shall be met for the particular district that the building or structure is located.
- 513.14 The agricultural business shall be limited to the employment of not more than three (3) paid or unpaid assistants or employees at any time.
- 513.15 Any existing barn or other agricultural accessory building, existing on November 16, 1996, may be used for an agricultural related business, regardless of size or floor area, provided that the building and/or structure is structurally sound at the time of application for Conditional Use approval.

#### Section 514 Lighting

- 514.1 When the property on which any activity is conducted is illuminated at night, such illumination shall be designed in accordance with the following standards:
- a. Parking lots serving townhouses and multi-family dwellings shall, as a minimum, be illuminated over their entire surface to one-half (0.5) average maintained footcandles (5.4 avg. maintained lux).
  - b. Parking lots serving commercial and industrial uses shall, as a minimum, be illuminated over their entire surface to one (1.0) average maintained footcandles (10.8 avg. maintained lux).
- 514.2 Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjoining property. The maximum light intensity at the property line shall be limited to (0.5) footcandles (5.4 lux).



- 514.3 All artificial lighting used to illuminate parking or storage area, maneuvering space, service area, or driveway shall be arranged and shielded as to prevent direct glare from the light source onto any public street or private way or onto adjacent property or into the sky.
- 514.4 Any artificial lighting used to illuminate any part of an off-street parking area and service area shall be directed away and shielded from adjoining lots on which are situated residential dwellings of any type or land included in the R-C, R-A, R-1, TN, or R-2 zoning districts.
- 514.5 Where parking areas and service areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than thirty (30) feet above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed and reflected away from adjacent lots, roads, streets, and the sky.
- 514.6 All parking areas, appurtenant passageways, driveways, and canopies serving nonresidential uses shall be illuminated adequately during the hours of use. Adequate shielding shall be provided to protect the sky and adjacent residential zones or uses from the glare of such illumination and from that of automobile headlights.
- 514.7 The use of an all season buffer screen is required to shield adjacent lots from the light and glare produced in the lighting of parking areas and appurtenant passageways and driveways. The buffer screen shall be designed in accordance with Section 519.
- 514.8 When developing the lighting plan consideration shall be given to the relative elevation of existing residential buildings on adjacent lots to the elevation of the proposed light fixtures.
- 514.9 A lighting plan in sufficient detail shall be prepared and submitted to the Township during the planning and/or permitting process, as the case may be, demonstrating compliance with this Section.

Section 515 Telecommunication Towers and Antennas

515.1 Zoning District Requirements

Antennas and Towers

- a. Shall not be permitted in any residential district;
- b. May be allowed by Special Exception in the Village-Commercial (C-1) and/or the Industrial (I) zoning district pursuant to the following requirements:

1. Height: The applicant shall demonstrate that the tower and/or antenna-supporting structure meets the following height and usage criteria:
  - (a) For a single user, no more than one hundred (100) feet in height;
  - (b) For two (2) users, no more than one hundred fifty (150) feet in height; and
  - (c) For three (3) or more users, no more than two hundred (200) feet in height.
2. Fall area: Each new tower or antenna shall have vacant fall area equivalent to the height of said tower and antenna, which area shall be measured from the location of said tower or antenna in a three hundred sixty (360) degree radius equal to the height of the same, and which shall be owned or leased by the applicant constructing said tower or antenna.
3. Fencing and landscaping: The base of a tower and any accessory building shall be surrounded by a secure fence with a minimum height of eight (8) feet, which shall be screened by vegetation and landscaping consisting of a hedge or row of evergreen trees with an ultimate height of at least eight (8) feet and a planted height of at least thirty-six (36) inches.
4. Aesthetics: Antennas, towers and related equipment shall, to the extent possible, use colors, materials, textures, screening and additional landscaping that will reduce visual obtrusiveness and blend into the surroundings.
5. Insurance: The applicant shall submit annually a certificate of insurance covering the tower and antenna which evidence general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence, and shall provide the Township of Richmond with evidence that the Township is an additional insured on the policy.
6. Need: The applicant shall demonstrate
  - (a) that the tower and/or antenna must be installed at the proposed location in order to satisfy its function pursuant to the applicant's technological requirements; and

- (b) that a good faith written effort has been made to obtain permission to mount the antenna on an existing tower or structure in Richmond Township or in any adjacent municipality, and that such attempt has been rejected.

#### 515.2 Removal of Abandoned Towers and Antennas

Any antenna or tower that is not operated for a continuous period of nine (9) months shall be deemed abandoned, and the owner of such antenna or tower shall remove the same within thirty (30) days. Failure to remove an abandoned antenna or tower within said thirty (30) days shall be grounds for the Township to remove the antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. For each new tower, the owner of the tower shall be required to post sufficient security with the Township to cover the cost of said removal.

#### 515.3 Exception

An antenna or tower necessary for and clearly used only for emergency communications by a police department, fire company, emergency medical service and other similar public safety organizations, is exempt from these requirements.

### Section 516 Hospital, Long-Term Hospital

516.1 Minimum lot area shall be five (5) acres.

516.2 Shall be located on a lot with direct vehicular access onto a principal arterial, or major collector, or minor collector street as shown on the Highway Classification Map in the Richmond Comprehensive Plan.

516.3 At least two (2) access roads of at least twenty (20) feet in width shall be provided from such arterial or collector street.

### Section 517 Nursing Home

Any institution, building, or other place, whether operated for profit or not, including a place operated by the State or County, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three (3) or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment, which regularly provides such services.

The term "personal care" means personal services such as the provision of aid to residents in walking or climbing or descending stairs, in getting in or out of bed, in feeding, dressing, bathing or in other matters of personal hygiene, and includes the preparation of special diets, the provision of tray service for meals, the supervision of medication and/or other similar types of personal assistance.

517.1 The minimum lot area shall be three (3) acres.

517.2 Shall be located on a lot with direct vehicular access onto an arterial or collector street as defined in the Richmond Comprehensive Plan.

#### Section 518 Outdoor Flea Market

The following regulations shall apply:

518.1 Vendor Space: Each vendor shall be provided with a minimum area of four hundred (400) square feet to allow for the display of items for sale and to provide a parking space for the vendor's vehicle without disturbing adjacent vendors. The vendor spaces shall be improved and maintained to a mud free condition.

518.2 Location: The vendor spaces shall not be permitted within the front, side or rear yards as defined for the district in which the outdoor flea market is located.

518.3 Removal in Off-Season: The stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.

518.4 When an outdoor flea market is located on a parking lot servicing another permitted use or uses, the vendor spaces and associated parking spaces shall not reduce the number of parking spaces required for the other uses below the minimum required by the Ordinance.

#### Section 519 Screening and Landscaping Standards

519.1 Where screening is required by a section of this ordinance, such screening may be accomplished by the placement of adjacent buildings, a solid fence, or by the provision of a maintained hedge, and such screening shall only be broken at points of vehicular or pedestrian access. The following screening standards shall apply:

- a. A solid fence shall be a minimum of six (6) feet in height, constructed of durable and visually attractive materials.
- b. A shrubby hedge of sufficient and acceptable plants shall be a minimum of thirty-six (36) inches in height at the time of planting and be spaced not

less than thirty-six (36) inches apart. The shrubbery hedge shall not exceed ten (10) feet in height at maturity.

- c. All plants selected for use in a required landscaping screen shall be suited for such plantings, arranged in such a manner as to provide an effective visual barrier within three (3) years of planting, and maintained in a healthy, living condition.
- d. Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, underground and above ground utilities and sight triangle areas required for unobstructed views at street intersections and at intersections of driveways and streets.

## Section 520 Wind Energy Conversion Systems

Wind Energy Conversion Systems are subject to the following criteria:

1. One windmill or windwheel (wind energy conversion unit) shall be permitted per property but only in a side or rear yard.
2. A plan shall be provided to the zoning officer of the Township at the time of the application for a building permit and zoning permit by the property owner with a narrative including the location of the unit, the dimensions and generating capacity of the unit, respective manufacturers and a description of the unit shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.
3. The structure supporting the wind energy conversion unit, including any required supporting cables, shall not be connected to any occupied structure and shall be located a minimum distance of the wind energy conversion unit tower height, plus three (3) times the length of its rotor from any occupied building.
4. The wind energy conversion unit shall not exceed 50 feet in height, and the structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus three (3) times the length of its rotor from any property line or road right-of-way.
5. The wind energy conversion unit and all mechanical equipment and buildings associated with the operation shall conform to all minimum building setbacks and shall be enclosed with a six (6) foot fence. The tower shall also be enclosed with a six (6) foot

fence, unless the base of the tower cannot be climbed for a distance of fifteen (15) feet.

6. When a building is required for storage of cells or related mechanical equipment, the building may not exceed one hundred fifty (150) square feet in area or eight (8) feet in height, and must be located at least seventy-five (75) feet from any property line.
7. All electric and other utility wires associated with the Wind Energy Conversion system shall be buried underground.
8. The applicant shall demonstrate that any noise emanating from the wind energy conversion system shall not exceed fifty-five (55) decibels measured at the nearest property line.
9. The property or facility owner shall not allow shadow flicker to any occupied building on an adjoining neighbor's property.
10. Discontinued Use: The tower and generating unit shall be kept in good repair and sound condition. Should any wind energy conversion unit cease to be used, the owner or operator or then owner of the land on which the wind energy conversion unit is located, shall be required to remove the same within one (1) year from the abandonment of use. The facility will be presumed to be at the end of its useful life (abandoned) if no electricity is generated for a continuous period of twelve (12) months. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the property to recover the costs of removal and attorneys' fees. In addition, at the time of zoning permit issuance for any wind energy conversion unit, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township solicitor, to guarantee the removal of the wind energy conversion unit

## Section 521 Solar Energy Systems

The solar energy requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar energy components.

### 521.1 Solar Energy System Standards

The use of solar energy systems is encouraged within these regulations and permitted with any zoning district, provided that the energy generated by the systems is primarily for use on the property on which it is generated. Although the installation of such systems is not mandatory, where they are utilized, they shall be governed by the requirements herein. Active and passive solar energy systems and similar alternative energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium that is intended for conveyance to a principal or accessory building. Systems may include the following, subject to the requirements contained herein:

- a. Freestanding solar panels shall not be located to the front of the principal building on any property.
- b. Freestanding solar panels with a combined glazing area of sixty-five (65) square feet or less shall comply with the yard dimension setbacks of the zoning district in which they are located.
- c. Freestanding solar panels with a combined glazing area greater than sixty-five (65) square feet shall comply with the yard dimension setbacks of the zoning district in which they are located.
- d. Solar panels that are attached to an accessory structure shall comply with the necessary structure requirements of this ordinance.
- e. Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district.
- f. Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in this ordinance.
- g. Detached solar greenhouses shall meet all yard requirements specified for accessory structures in this ordinance.

#### 521.2 Protection and Maintenance

The improvements required and permitted within this section shall be protected and maintained to ensure the environmental benefits of

nonpolluting, replenishable alternative energy. The following requirements shall apply:

a. Protection

1. Where a solar energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar energy system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a zoning permit or Certificate of Use and Occupancy for the solar energy system.
2. Solar panels attached to principal or accessory structures may exceed the maximum building height for the zoning district in which they are located, but shall not extend more than ten (10) feet above the highest part of the roof on such structure.
3. Freestanding solar panels shall not exceed the height of the maximum building height for the zoning district in which they are located.

b. Maintenance

1. Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
2. A disconnected or abandoned energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.

521.3 Plans and Permits

- a. Plans depicting solar energy installations shall be submitted at the time of application for a zoning permit. Information may be included on the required plan specified in this ordinance or submitted on a separate plan. In addition to the information required elsewhere within this ordinance, plans shall include:
1. Exact size and location of proposed solar energy system.



2. Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar energy device.
  3. A narrative description of the unit, including manufacturer and specifications if known.
- b. Zoning Permits and Certificates of Use and Occupancy

A zoning permit shall be required for installation of, expansion of or alteration to any of the energy systems described within this section. A Certificate of Use and Occupancy shall be required upon the installation of any energy system, prior to the use or occupancy of such system, in accordance with Section 703 of this ordinance. Applicable procedures of this ordinance shall apply during the processing of such permit and certificate applications. Where desired, the Zoning Officer may refer plans to any other applicable agencies for review and comment prior to formal action on the permit application.

## Section 522 Solar Farms

### 522.1 General Requirements

Solar farms are subject to the following conditions:

- a. The minimum net lot area required to install a solar farm shall be five (5) acres.
- b. Solar farms shall be enclosed by perimeter fencing at a height of eight and one half (8.5) feet to restrict unauthorized access.
- c. Any on-site electric lines shall, to the maximum extent practicable, be placed underground.
- d. The solar farm shall be screened from the view of persons on any adjacent land zoned R-C, R-A, R-1, TN, or R-2, or which is currently used for residential purposes.
- e. Solar farms shall adhere to all yard dimension, impervious coverage, and building coverage and height requirements of the district in which they are located. All individual solar energy collectors and connecting equipment in a solar array shall be subject to the setback requirements for a principal structure in that district and shall have a maximum height of fifteen (15) feet. Any buildings on the property shall be treated as accessory structures.

- f. Solar farms may be proposed as the principal use of a property, or in addition to an existing use already on a property, but the requirements herein shall apply in full to the portion of the property dedicated to use as a solar farm.
- g. It shall be the responsibility of the property owner or facility owner or operator to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar farm. Such an agreement shall be negotiated between owners of affected properties, but is not a requirement for any Township permits or approvals for the solar farm.
  - h. Solar farms and all equipment and facilities thereon shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
  - i. Warning signs shall be placed at the base of any pad-mounted transformers or electrical conducting apparatus on the site.

#### 522.2 Plan Requirements

A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development application shall include the following:

- a. A narrative description of the project.
- b. A descriptive plot plan including setbacks, property lines, road right-of-ways, dimensions and structural details for all solar arrays, and locations of buildings, access roads, solar arrays, and all electrical lines and off-site connection points.
- c. An operations agreement which shall set forth operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.
- d. Evidence of approval by the electric company or other entity receiving the energy collected from the solar farm that it will accept connection from the solar farm and that it approves of the design plans for the project.

- e. An affidavit or evidence of agreement between lot owner and the facility owner or operator, if not the same person or entity, confirming that the facility owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar farm.
- f. Evidence of any required permits or licenses from state or federal agencies.
- g. A decommissioning plan including provisions for the removal of all structures and foundations and the restoration of soil and vegetation.
- h. Any other relevant studies, report, certificates and approvals as may be reasonably requested by Richmond Township based on the unique character of the development.

### 522.3 Discontinued Use/Decommissioning

The facility owner or operator shall, at its expense, complete decommissioning of the solar farm within six (6) months after the end of the useful life of the facility. The solar farm will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning

Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.

If neither the facility owner or operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

#### Section 523 Agriculture (General) Standards

- 523.1 Animal Equivalent Units that are less than the amounts specified under the definition of Concentrated Animal Operations and Concentrated Animal Feeding Operations, shall be considered as General Agriculture.
- 523.2 All areas outside of an enclosed building used for feeding or grazing of animals shall be completely fenced so that animals cannot leave the lot.
- 523.3 All buildings and structures for the housing of livestock or poultry for general agriculture, located in all zones, shall be located not less than fifty feet (50') from the adjoining lot line. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings.

#### Section 524 Agriculture (Intensive) Standards

- 524.1 Animal Equivalent Units that are equal to or exceed the amounts specified under definitions for Concentrated Animal Operations and Concentrated Animal Feeding Operations shall be considered as Intensive Agriculture.
- 524.2 All buildings and structures for the housing of livestock or poultry for intensive agricultural operations in all zones, shall be located the greater of (a) the distance required by an approved odor management plan from an adjoining lot line or

residence or building within which people are employed on an adjoining lot or (b) seventy-five feet (75') from all lot lines or (c) one hundred feet (100') of an adjoining residence or commercial building in which people are employed or work on an adjoining lot. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings. Notwithstanding the foregoing, a setback requirement for a manure storage facility, shall be the setback imposed by the State Conservation Commission or the Berks County Conservation District.

- 524.3 No Intensive Agriculture building shall be built in the one hundred (100) year floodplain.
- 524.4 Intensive Agriculture activities shall be conducted in a manner consistent with accepted agriculture best management practices, and best available technologies, as issued by the Pennsylvania Department of Agriculture, the State Conservation District, the Pennsylvania Department of Environmental Protection, Pennsylvania State University – College of Agriculture, or similar recognized entities and shall be subject to all Local, State and Federal Regulations. The management of mushroom waste, shall be in specific conformity with the DEP manual entitled Best Practices for Environmental Protection in the Mushroom Farm Community, and the failure to so comply will result in the mushroom waste being subject to all State and Federal Regulations for residual waste application, storage, composting and transportation.
- 524.5 A Nutrient Management Plan as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township of Richmond. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State of Federal Agency revises the requirements regarding nutrient plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.
- 524.6 An Odor Management Plan developed by a Certified Odor Management Specialist, as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township of Richmond. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State of Federal Agency revises the requirements regarding odor plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.
- 524.7 Richmond Township shall be provided with a copy of any required National Pollutant Discharge Elimination System (NPDES) Permit application submitted to

the Pennsylvania Department of Environmental Protection and a copy of the NPDES Permit approved by the Pennsylvania Department of Environmental Protection.

- 524.8 A Stormwater Management Plan shall be prepared for all proposed Intensive Agriculture uses, and submitted to the Township Engineer for approval.
- 524.9 A driveway occupancy permit shall be secured from the Township Engineer or from the Pennsylvania Department of Transportation, with a copy to the Township, to establish that access onto the Township or State roads is suitable to accommodate the amounts and sizes of truck traffic that will be generated by the Intensive Agriculture operation.
- 524.10 The Richmond Township Zoning Officer shall be provided with a copy of the Nutrient Management Plan Summary Information required to be submitted to the State Conservation Commission pursuant to 25 Pa. Code Section 83.281.
- 524.11 Intensive Agriculture activities require the issuance of a Zoning Permit by the Township Zoning Officer, which shall be issued upon demonstration of compliance by the Applicant with the Intensive Agriculture Standards of this Section.

#### Section 525 Cluster Development

It is the intent of this section to encourage the clustering of residential development in order to preserve open space and agricultural land within Richmond Township. As a permitted use in the R-C, R-1, TN, and R-2 zoning districts, cluster development shall offer an alternative development option for large tracts of land being converted to residential lots.

##### 525.1 Criteria

- a. A minimum of eight (8) residential lots shall be proposed as part of a cluster development, each of which shall contain one single-family detached dwelling.
- b. A given parent tract of land being subdivided shall be eligible for the cluster development option when at least four (4) acres, but no less than 30% of the gross lot area, of such parent tract being subdivided is preserved in accordance with Section 525.4.
- c. All proposed cluster developments shall be served by public sewer (not to include a community sewer system).

- d. All proposed lots shall be located along a new internal road or roads serving the development. No proposed residential driveways shall connect directly to existing roadways.
- e. Where the proposed lot layout results in the rear yards of any lots adjoining or facing an existing public road, a planting buffer shall be required along the rear of all such lots. The buffer shall be a minimum of twenty (20) feet wide and consist of existing mature vegetation or plantings which will significantly obstruct the view of the residence from the roadway within five (5) years of planting.

525.2 Lot Size, Number of Lots, Yard Dimensions, Building Coverage

The following standards shall apply to Cluster Development, and shall lessen the standards set forth in Article IV for a given zoning district. However, any standards not addressed in this section shall be complied with in accordance with Article IV.

a. Minimum Lot Size

- Area: - 15,000 sq. ft.
- Width: - 100 feet

b. Number of Lots

The number of lots allowed on the tract shall be calculated based upon the density required by the lot size requirements of Article IV. The area of the tract to be used to calculate lot density shall be the net lot area of the tract, thereby excluding all existing and proposed street right-of-ways, utility easements, wetlands and floodplains.

For example, a 50 acre tract in the R-1 district, with an existing net tract area of 42 acres, with 2 acres of proposed street right-of-way for a new cul-de-sac in the cluster development, would calculate the lot density based upon 40 acres. If the cluster development was to be served by public water, 0.75 acre lots would be required. Given that 40 acres/0.75 acres per lot = 53.33 lots, then 53 lots would be allowed in the cluster development.

c. Minimum Yard Dimensions

- Front Yard: - 35 feet
- Each Side Yard: - 15 feet
- Rear Yard: - 40 feet

d. Maximum Coverage

Maximum Building Coverage	-	20%
Maximum Impervious Coverage	-	35%

e. Slope Controls

The slope controls in Section 512, excluding Section 512.6, shall apply to all residential lots created under a Cluster Development.

Section 512.6 shall still be used to determine the number of lots allowed in a cluster development in the R-C district, pursuant to Section 525.2.b.

525.3 Additional Lot Incentive

If 40% or more of the gross lot area of a tract is preserved in accordance with Section 525.4, then the following incentives shall apply:

a. Minimum Lot Size

Area: - 10,000 sq. ft.

b. Number of Lots

In addition to the number of lots allowed pursuant to section 525.2.b, an additional one (1) lot shall be allowed for every additional one (1) full acre above 40% which is preserved in accordance with Section 525.4.

For example, on a 40 acre lot with public water and public sewer:

- If 12 acres preserved (30%) - 60 lots @ 15,000 sq. ft. minimum
- If 16 acres preserved (40%) - 60 lots @ 10,000 sq. ft. minimum
- If 17 acres preserved (42.5%) - 61 lots @ 10,000 sq. ft. minimum
- If 24 acres preserved (60%) – 68 lots @ 10,000 sq. ft. minimum

525.4 Preservation

a. The entire area of the tract which is to be preserved shall be a contiguous area of land containing the required acreage.

b. A separate lot shall be created within the cluster development to contain all of the preserved area and only the preserved area.

c. The preserved area of the tract shall be permanently preserved and shall be owned and maintained in any one or a combination of the following ways, subject to approval by the Governing Body:

1. Deed the preserved area to the Municipality, if acceptable to the Governing Body.



2. Create a Homeowners' Association to own and maintain the preserved area.
  3. Own and maintain the preserved area through the use of a Trust.
  4. Deed the preserved area to an established Conservancy organization.
  5. Deed the preserved area to a private individual with a deed restriction that the preserved area may only be used for the purpose proposed as part of the cluster development.
- d. The developer of a cluster development shall submit to the Township as part of the land development application a study addressing why the proposed use of the preserved area is the highest and best use of such land.
- e. The nature, extent, location and use of the preserved area shall be subject to approval of the Township and shall meet the following requirements:
1. Preserved area shall be used as agricultural land, where agriculture is a permitted use in the underlying zoning district, or as open space for either active or passive recreation. However, up to 25% of the preserved area may be used for the establishment of a community water system or the location of stormwater management facilities.
- [Ord. 2012-06]
2. No buildings shall be erected within the preserved area unless specifically approved by the Township for use in conjunction with the approved use of the entire open space area.
  3. Preserved area used for active recreation shall be suitably landscaped, either by retaining existing natural vegetation or through the implementation of a comprehensive landscaping plan for improving the open space through planting and/or other means, and the common open space shall be developed in accordance with a recreational plan for the area, after submission to the Planning Commission for their recommendation.
  4. If the preserved area is to be used for agriculture, the study of the proposed use should address any required setbacks of such agricultural use from the residential use, such as for manure application, etc., and the effect that such setbacks would have on the ability to use effectively the preserved area.

5. Where improvements such as landscaping are proposed as part of the proposal for the preserved area, the preserved area shall be in an acceptable condition before any building/zoning permit is issued for construction of any dwelling within the proposed cluster development. In lieu of having the preserved area in an acceptable condition, any required improvements and landscaping may be guaranteed by the developer as part of the development's Improvements Agreement as required by the Township's Subdivision and Land Development Ordinance.
  6. The preserved area shall be restricted by deed to prevent any future subdivision or development and shall be restricted to the uses set forth herein and as approved by the Board.
- f. Nothing herein shall require the Board of Supervisors to accept the dedication of the preserved area. However, any preserved area, or portion thereof, accepted by the Governing Body, shall be for public use.

Ord. 2011-120, 12/12/2011; as amended by Ord. 2012-06, 8/13/2012, Art. II.

## ARTICLE VI

### NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

#### Section 601 Statement of Intent

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and which actual building construction has been diligently carried on.

#### Section 602 Non-Conforming Lots of Record

In any district, structures and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or Amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variances of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance. This section shall not apply, for a period of three (3) years, to any approved subdivision or land development plan, whether preliminary or final.

#### Section 603 Non-Conforming Uses of Land

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming and where such use involved no individual structure or building with a replacement cost exceeding ten thousand (10,000) dollars may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

#### 603.1 Extension

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

#### 603.2 Discontinuance

Wherever a non-conforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be re-established unless a Certificate of Intention, as per Section 608, has been filed. Any future use shall be in conformity with the provisions of this Ordinance.

#### 603.3 Changes or Moving of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by Special Exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.

#### 603.4 Additional Structures or Buildings

No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

### Section 604 Non-Conforming Structures or Buildings

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

#### 604.1 Enlargement

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

#### 604.2 Damage or Destruction

A non-conforming structure which is destroyed or partially destroyed by fire, explosion, or by any means to an extent of seventy-five (75) percent or more of the market value thereof immediately prior to such damage or destruction shall

not be repaired or restored to a non-conforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance.

#### 604.3 Moving of Structure or Building

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

#### 604.4 Discontinuance

Wherever a non-conforming structure or building has been vacated for a period of eighteen (18) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance unless a Certificate of Intention, as per Section 608, has been filed.

#### 604.5 Replacement of Mobile Home

Any replacement of mobile home on an existing mobile home park lot may create a non-conformity or increase any existing non-conformity to any required setback under Section 508.3 by up to five feet (5'), but in no case shall separation between units be reduced to less than fifteen feet (15') and no replacement mobile home shall be placed closer than fifteen feet (15') to the right-of-way of an internal street of the mobile home park, common parking area, or common areas of the mobile home park; as to any boundary of the park, the setback must meet the residential setback requirement for the district.

[Ord. 2015-05]

Ord. 2011-120, 12/12/2011; as amended by Ord. 2015-05, 12/14/2015, §1.

### Section 605 Non-Conforming Uses of Structures or Buildings

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

#### 605.1 Extension

A non-conforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed, provided that any structural alterations, extensions, or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the zoning district in which the structure or building is located. However, such extension of a non-conforming use shall not exceed fifty (50) percent of the gross

floor area occupied by said non-conforming use at the time such non-conforming use became non-conforming.

#### 605.2 Change of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by Special Exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.

#### 605.3 Discontinuance

Whenever a non-conforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months, such structure or building or portion thereof shall not thereafter be re-established unless a Certificate of Intention, as per Section 608, has been filed. Any future use shall be in conformity with the provisions of this Ordinance.

#### 605.4 Destruction

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the use of the land upon which the structure or building was erected for a non-conforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five (75) percent or more of the market value of the structure or building immediately prior to such damage or destruction. However, if construction begins within twelve (12) months after destruction or partial destruction, the same non-conforming use may be reestablished. The Zoning Hearing Board may, by Special Exception, authorize another equally appropriate or more appropriate use to be re-established.

### Section 606 Unsafe or Unlawful Structures or Buildings

If a non-conforming structure or building or portion thereof becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

### Section 607 Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a Special Exception in a zoning district under the terms of this Ordinance and which existed at the adoption of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such zoning district, but shall without further action be considered a conforming use. Any extension or

enlargement to such use shall be subject to the conditions of the zoning district in which it is located.

Section 608 Certificate of Intention

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

The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered an administrative duty of the Zoning Officer, who shall not refuse to accept the completed form. The Zoning Officer shall maintain a separate file for all Certificates of Intention. Each Certificate of Intention shall be valid for three (3) years.

Ord. 2011-120, 12/11/2011.

## ARTICLE VII

### ADMINISTRATION & ENFORCEMENT

#### Section 701 Enforcement

##### 701.1 Zoning Officer

A Zoning Officer shall be appointed by the Governing Body to administer and enforce the Zoning Ordinance. A Zoning Officer shall not hold any elective office in the Municipality. The Zoning Officer shall meet qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Municipality a working knowledge of municipal zoning.

##### 701.2 Duties and Power of the Zoning Officer

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and amendments and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- a. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.
- b. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
- c. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
- d. Issue permits for Special Exceptions or Conditional uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board or Governing Body, as the case may be, in accordance with the regulations of this Ordinance.
- e. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.



- f. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- g. Determination of Preliminary Opinions in accordance with Section 706.

### 701.3 Enforcement Notices

The Zoning Officer shall serve enforcement notices on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or plan approved thereunder. Enforcement notices shall also be sent by the Zoning Officer 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 the parcel, and to any other person requested in writing by the owner of record.

The 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 provision of this 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 in accordance with the procedures set forth in this Ordinance.
- 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 702 Zoning Permit

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefor, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception, variance or as otherwise provided for by this Ordinance, any applicable laws or any Court of competent jurisdiction.

## 702.1 Form of Application

All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information, if applicable:

- a. Actual dimensions and shape of the lot to be built upon, prepared by a licensed surveyor or engineer;
- b. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto, prepared by a licensed surveyor or engineer;
- c. The number of dwelling units, if applicable;
- d. Parking spaces provided and/or loading facilities;
- e. Statement indicating the existing or proposed use;
- f. Height of structures, buildings, or signs;
- g. All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance;
- h. A detailed scaled drawing of the signs showing intended location and stating how it shall be affixed;
- i. A statement indicating the type of construction and the manner of installation for signs, together with the material to be used;
- j. A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign;
- k. A written agreement that the sign shall be erected according to the accompanying plans and specifications;
- l. Approved permit for sewage disposal.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Zoning Permit shall be issued or refused within thirty (30) days from the date of the application. In case of refusal, the applicant shall be

informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

#### 702.2 Expiration of Zoning Permit

Zoning permits shall expire within six (6) months from the date of issuance, if work described in any permit has not begun. If work described in any approved permit has begun within the six (6) month period, said permit shall expire after one (1) year from the date of issuance thereof. However, an extension of time may be granted by the Governing Body.

### Section 703 Certificate of Use and Occupancy

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land or portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

#### 703.1 Form of Application

The application for a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

#### 703.2 Issuance of Certificate of Use and Occupancy

The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity herewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

The Certificate of Use and Occupancy shall be granted or refused, in writing, within ten (10) days from the date of application.

In zones in which performance standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all Performance Standards. After said reinspection the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the Certificate of Use and Occupancy is permanent or that the facility does not comply and that the Certificate of Use and Occupancy is still temporary.

Section 704 Schedule of Fees, Charges, and Expenses

The Governing Body shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, and appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body, by resolution.

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

Section 705 Amendments

The provisions of this Ordinance and boundaries of the zoning districts as set forth on the Official Zoning Map may from time to time be amended or changed by the Governing Body of the Municipality, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

705.1 Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or to the Zoning Map:

- a. Every such proposed change not initiated by the Planning Commission shall be referred to the Planning Commission at least thirty (30) days prior to the Governing Body holding a public hearing to provide the Planning Commission an opportunity to submit recommendations.
- b. The recommendations of the Planning Commission shall be submitted in writing to the Governing Body.
- c. At least thirty (30) days prior to the public hearing, the Governing Body shall submit the proposed ordinance to the County Planning Commission for recommendation.
- d. Before voting on the enactment of an amendment, the Governing Body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Municipality at points deemed sufficient by the Municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- e. Proposed action shall not be taken until the Planning Commission and the County Planning Commission recommendation is made. If, however, the

Planning Commission and the County Planning Commission fails to act within thirty (30) days, the Governing Body shall proceed without its recommendation.

f. Procedure for Landowner Curative Amendments

1. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Governing Body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The Governing Body shall commence a hearing thereon within sixty (60) days of the request, as provided for in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the County and Municipal Planning Commission and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended.
2. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, as amended, and all references therein to the Zoning Hearing Board shall, for purposes of this section be referenced to the Governing Body. If the Municipality does not accept the landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically related to the landowner's curative amendment and challenge.
3. If the Governing Body determines that a validity challenge has merit, the Municipality may accept the landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the challenged defects. The Governing Body shall consider the curative amendments, plans and explanatory materials submitted by the landowner and shall also consider:
  - (a) the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

- (b) if the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance and Map;
- (c) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands wetlands, flood plains, aquifers, natural resources and other natural features;
- (d) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (e) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

g. Procedure for Municipal Curative Amendments

If the Municipality determines that its Zoning Ordinance or portion thereof is substantially invalid, it shall take the following actions:

1. The Municipality shall declare by formal action its Zoning Ordinance or portion thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Governing Body of the Municipality shall:
  - (a) By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include: (i) references to specific uses which are either not permitted or not permitted in sufficient quantity, (ii) reference to a class of use or uses which require revision, or (iii) reference to the entire ordinance which requires revisions.
  - (b) Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Municipality shall enact a curative amendment to validate, or reaffirm the validity of, its zoning

ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, as amended, in order to cure the declared invalidity of the zoning ordinance.

3. Upon the initiation of the procedures, as set forth in clause (1), the Governing Body shall not be required to entertain or consider any landowner's curative amendment filed under Section 705.1.f, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (1)(a). Upon completion of the procedures as set forth in subsection (1) and (2) no rights to cure pursuant to the provisions of Section 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
4. The Municipality, having utilized the procedures set forth in Clauses (1) and (2), may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to Clause (2); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Municipality may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

#### Section 706 Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 805.2 by the following procedures:

- 706.1 The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they

provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

706.2 If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 805.2 of the Pennsylvania Municipalities Planning Code, as amended, and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

#### Section 707 Conditional Uses

Where the Governing Body, in this Zoning Ordinance, has stated conditional uses to be granted or denied by the Governing Body pursuant to express standards and criteria, the Governing Body shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Governing Body may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance.

#### Section 708 Publication, Advertisement and Availability of Ordinances

708.1 Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Governing Body shall publish the proposed amendment once in one (1) newspaper of general circulation in the Municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and a brief summary, prepared by the Municipality's Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Municipality at the time the public notice is published.
- b. An attested copy of the proposed ordinance shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.



708.2 In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Governing Body shall at least ten (10) days prior to enactment re-advertise, in one (1) newspaper of general circulation in the Municipality, a brief summary setting forth all provisions in reasonable detail together with a summary of the amendment.

Ord. 2011-120, 12/11/2011.

## **ARTICLE VIII**

### **ZONING HEARING BOARD**

#### Section 801 Creation- Appointment- Organization

##### 801.1 Creation of Board

The Governing Body hereby creates a Zoning Hearing Board, hereinafter referred to as the Board, consisting of three (3) residents of the Municipality appointed by resolution by the Governing Body pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and as herein provided.

##### 801.2 Appointment

One member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of three years. Members of the Board shall hold no other office in the Municipality.

##### 801.3 Removal

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Governing Body, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.

##### 801.4 Vacancies

Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of the vacated term.

##### 801.5 Compensation and Expenditures for Service

The members of the Board may receive such compensation as shall be fixed by the Governing Body, by resolution, but in no case may it exceed the rate of compensation authorized to be paid to the members of the Governing Body.

Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

#### 801.6 Organization

The Board may promulgate such rules and forms for its procedure, not inconsistent with this and other ordinances of the Municipality and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers, who shall serve annual terms as such, and may succeed themselves.

#### 801.7 Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

#### 801.8 Minutes and Records

The Board shall keep full stenographic records of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be immediately filed with the Secretary of the Governing Body and shall be the property of the Municipality. The Board shall submit a report of its activities as requested by the Governing Body.

### Section 802 Hearings

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

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

802.1 Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, and such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. Written notice shall be given at such time and in such a manner as shall be prescribed for by rules of the Board. In addition to the written notice provided for herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the day of the receipt of the applicant's completed application and application fee, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the

board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing(s) shall be completed no later than one hundred (100) days after the completion of the applicant's case-in-chief; unless extended for good cause upon application to the Court of Common Pleas. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- 802.2 The hearing 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 finding shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- 802.3 The parties to 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 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.
- 802.4 The chairman or acting chairman of the Board or the hearing officer presiding shall have the 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.
- 802.5 The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and arguments and cross-examine all adverse witnesses on all relevant issues.
- 802.6 Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- 802.7 The Board or the hearing officer, as the case may be, shall keep stenographic records and a transcript of the proceedings.
- 802.8 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, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- 802.9 The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the hearing, or if said hearing is continued, within forty-five (45) days after said continued hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of the Pennsylvania Municipalities Planning Code, as amended, or of this Ordinance, shall contain a reference to the provisions relied on and the reason why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representation thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

Except for challenges filed under Section 916.1 of the Municipalities Planning Code, where the Board fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing within one hundred (100) days of the completion of the applicant's case-in-chief, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time or such period has been extended for good cause upon application to the Court of Common Pleas as provided in Section 908 of the Municipalities Planning Code and this Zoning Ordinance. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 802.1. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the rights of any party opposing the application to appeal the decision to a court of competent jurisdiction.

802.10 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 no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### Section 803 Functions of the Zoning Hearing Board

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

#### 803.1 Appeals and Challenges

- a. Substantive challenges to the validity of any land use ordinance, except those brought before the Governing Body pursuant to Section 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
- b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Municipality and the Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application thereof, or the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- d. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.
- e. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance provisions of the Zoning Ordinance.
- f. Appeals from the Zoning Officer's determination under Section 706.
- g. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm

water management insofar as the same relate to development not involving subdivision and land development or planned residential developments.

- h. Application for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 803.2.
- i. Application for special exceptions under this Ordinance or flood plain or flood hazard ordinances or such provisions within a land use ordinance, pursuant to Section 803.3.

## 803.2 Variance

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness or lot size or shape or exceptional topographic or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not 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 appellant;
- 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. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the

Pennsylvania Municipalities Planning Code, as amended, and this Ordinance.

### 803.3 Special Exceptions

To hear and decide, only such special exceptions to the terms of this Ordinance upon which the Board by the provisions of this Ordinance, is specifically authorized. The granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions:

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district.
- b. Such special exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- c. Such special exception may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- d. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.
- e. Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- f. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- g. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Governing Body.

All applications for special exceptions shall be submitted to the Planning Commission for its review and recommendations. If the Planning Commission does not make any recommendation within thirty (30) days, it shall be deemed that the Planning Commission has recommended approval of the application for special exception.

### Section 804 Special Exception Conditions

Special exceptions shall be subject to the appropriate safeguards and conditions contained herein and applicable state and local rules, regulations or ordinances.



#### 804.1 Junk Yards

Junk yards are permitted subject to the following conditions:

- a. All junk yards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises
- b. All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least one hundred (100) feet from the right-of-way of any public road or highway.
- c. Burning or melting of any junk, rubbish, or refuse is prohibited.
- d. All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than six (6) feet from the ground.
- e. All gasoline shall be drained from any junk or scrapped automobile into containers and removed from the premises within twelve (12) hours from arrival of junked automobile on the premises.
- f. No garbage or organic waste shall be permitted to be stored on any junk yard.

#### 804.2 Quarries, Sandpits, Gravel Pits, Removal of Earthen Fill

Extractive operations, to include sandpits, gravel pits, the removal of earthen fill and quarries or other operations involving the extraction or removal of any natural resource from the land or ground for any purpose, are permitted subject to the following conditions:

- a. Removal of forest or timber is prohibited without prior approval of the Zoning Hearing Board.
- b. The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion.
- c. There shall be no operations of any kind on Sunday or legal holidays. Within one thousand (1,000) feet of any residence there shall be no operation between 7 P.M. and 7 A.M.
- d. Where any open excavation will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees, there shall be a substantial fence,

approved by the Zoning Hearing Board, with suitable gates where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than fifty (50) feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

- e. That portion of access roads located within one hundred (100) feet of any lot in residential use or lot zoned for residence shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.
- f. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- g. A site plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved by the Zoning Hearing Board. After any such operations, the site shall be made reusable for a use permitted in the Zoning District. Where top soil is removed, sufficient arable soils shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth (capable of supporting vegetation) of at least two (2) feet or to original thickness, whichever is less. Fill shall be a suitable material approved by the Zoning Hearing Board.
- h. All operations shall comply with the provisions of the Pennsylvania Noncoal Surface Mining Conservation and Reclamation Act and/or all other laws of the Commonwealth of Pennsylvania which may govern such operations.

#### 804.3 Membership Clubs, Camps, and Outdoor Recreation Facilities

Membership clubs, lodges and camps, and outdoor recreational facilities such as private and public playgrounds, golf clubs, country clubs, swimming clubs, and tennis clubs, shall be subject to the following conditions:

- a. No building or part thereof or any parking or loading area shall be located within one hundred (100) feet of any street or lot line.
- b. The sum of all areas covered by principal and accessory buildings shall not exceed twenty (20) percent of the area of the lot.
- c. That any such club is incorporated pursuant to the provision of a Membership Corporation or unincorporated association approved by the

Township Supervisors; and catering exclusively to members and their guests.

- d. That such use shall occupy a lot with an area of not less than ten (10) acres.
- e. That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

804.4 Single-family Detached, Single-family Semi-Detached and Two-family Detached Dwellings.

- a. All yard dimensions shall comply with the district requirements, except that the minimum side yard for single-family semi-detached and two-family detached shall be twenty (20) feet.
- b. Parking shall be provided in accordance with the requirements of Section 507 of this Ordinance.

804.5 Conversion of a Single-family Detached Dwelling to a Maximum of Three (3) Dwelling Units.

Conversion of a single-family detached dwelling to a maximum of three (3) dwelling units shall be subject to the following;

- a. Parking shall be provided in accordance with the requirements of Section 507 of this Ordinance.
- b. Plans for the conversion shall be required to be submitted to, and approved by, the Township in accordance with the Township's Subdivision and Land Development Ordinance.
- c. Approval shall be obtained from the Pennsylvania Department of Labor and Industry under the Department's Fire and Panic Regulations and other regulations and requirements enforced by the Department.
- d. The lot area shall be sufficient to provide off-street parking, required yard dimensions, access driveways and open space, as required by this Ordinance.

804.6 Truck and Freight Terminals

Terminals are subject to the following conditions:

- a. All vehicles and parts storage shall not intrude onto any required yard. Yard areas adjacent to residential districts shall be suitably screened.
- b. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- c. Lighting provided shall not produce glare to adjoining properties.
- d. Operating characteristics and hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.

804.7 [Reserved for future use.]

#### 804.8 Institutional Uses

Institutional uses such as churches, fire stations, schools, or cemeteries are subject to the following conditions:

- a. Heavy traffic generators such as large institutions, churches and schools should be located so as to be readily accessible from good roads that are adequate enough to handle the traffic anticipated.
- b. Lighting shall be designed as to prevent glare to adjoining properties.
- c. Adequate parking shall be provided on the lot for each activity at the rate of the most similar use as outlined in Section 507.

#### 804.9 Drive-in Establishments

Drive-in establishments are subject to the following conditions:

- a. Drive-in banks, service stations, or similar establishments in shopping centers shall be so located so as not to interfere with internal parking circulation of the shopping center, and to provide separate well defined parking facilities.
- b. Drive-in establishments shall be located not less than fifty (50) feet from the street line and parking shall be provided in accordance with the requirements of this Ordinance.

#### 804.10 Storage and Wholesale Businesses

Storage and Wholesale businesses are subject to the following conditions:

- a. Such uses shall meet all of the minimum lot size, yards and building coverage, and height requirements of the District.
- b. Adequate off-street parking shall be provided on the same lot as the building or activity served. Parking areas shall be designed so that vehicles will not have to back onto a public street.
- c. Entrance and exit ways shall have a minimum width of twelve (12) feet for each lane of traffic and shall not be greater than thirty (30) feet in width at the street line; they shall also be designed to prevent blocking of vehicles entering or leaving the site.
- d. Means of ingress and egress to any public street, other than a property access street, shall not be located closer than two hundred (200) feet from an intersecting street.
- e. Any goods, materials, or equipment shall not be displayed, stored, or sold in the required front yard; and such goods, materials, or equipment shall be displayed or stored or arranged in an orderly manner to permit access by fire-fighting equipment.
- f. All outdoor storage shall be screened by evergreen planting of sufficient height and density to screen it from view of a public street and adjacent residential districts.

#### 804.11 Cluster Development

In the R-C, R-1, TN and the R-2 zoning districts, single-family detached building lot sizes, yard requirements, and maximum building coverage requirements may be varied, subject to approval of the Zoning Hearing Board, and the following conditions:

- a. The minimum tract size shall be fifty (50) acres.
- b. The maximum number of single-family detached lots shall be computed by dividing the total number of acres in the tract (excluding areas within existing and proposed ultimate street rights-of-way, one hundred (100) year flood plains, and slopes in excess of twenty (20) percent) by the minimum lot size required in the applicable zoning district.
- c. The minimum lot size, as required in the applicable zoning district may be reduced up to fifty (50) percent provided that:
  1. The lots proposed are of sufficient size to accommodate on-site water and on-site sewage disposal requirements, if applicable.

2. The balance of the tract (total tract minus platted lots and street rights-of-way) is permanently preserved as common open space which shall be owned and maintained in any one, or a combination of the following ways, subject to approval by the Governing Body.
  - (a) Deed common open space to the Municipality, if acceptable to the Governing Body.
  - (b) Create a Homeowners' Association to own and maintain common open space.
  - (c) Own and maintain the common open space through the use of a Trust.
  - (d) Deed common open space to an established Conservancy organization.
  
3. The nature, extent, location and use of common open space shall be subject to approval of the Board and shall contain a minimum of twenty (20) percent of the original acreage in the tract and shall meet the following requirements:
  - (a) Common open space shall be land usable for either active or passive recreation.
  - (b) Common open space used for active recreation shall be suitably landscaped, either by retaining existing natural vegetation or through the implementation of a comprehensive landscaping plan for improving the open space through planting and/or other means, and the common open space shall be developed in accordance with a recreational plan for the area, approved by the Board, after submission to the Planning Commission for their recommendation.
  - (c) Common open space shall be in an acceptable condition before any building/zoning permit is issued for construction of any dwelling within the proposed subdivision. In lieu of having the common open space in an acceptable condition, improvements and landscaping may be guaranteed by the developer as part of the development's Improvements Agreement as required by the Township's Subdivision and Land Development Ordinance.
  - (d) Common open space shall be restricted by deed to prevent any future subdivision or development and shall be

restricted to the uses set forth herein and as approved by the Board.

4. Nothing herein shall require the Governing Body to accept the dedication of common open space, however, any common open space, or portion thereof accepted by the Governing Body shall be for public use.

d. All lot widths and yard requirements normally applicable to the tract may be reduced up to fifty (50) percent and the maximum lot coverage may be increased up to fifty (50) percent.

However, yards adjacent to adjoining properties (including across a street or road) shall meet the minimum yard requirements of the zoning district, except when such adjacent property has been previously developed under this zoning provision.

#### 804.12 Gun Clubs

In the R-C and R-A zoning districts, gun clubs are permitted subject to the following conditions:

- a. Conditions a. through e. of subsection 804.3 of this Ordinance;
- b. No gunning activities shall be permitted before 8:00 A.M. nor after 6:00 P.M. Monday thru Friday and such gunning shall not begin before 9:00 A.M. nor continue after 5:00 P.M. on Saturdays and Sundays, except one (1) evening per week when gunning activities may continue until one-half hour before sunset;
- c. No targets shall be positioned in such a manner that weapons are discharged toward any Township or State road that would create a hazard; and
- d. No noise shall be audible beyond the property lines which exceeds the average intensity of road traffic at the front of the property.

#### 804.13 Adult Care, Residential Facility (Group Home)

- a. A dwelling or similar building of a residential character, which is used or intended to be used to provide housing and care for five or fewer unrelated ambulatory persons who are eighteen years of age or older or who are elderly, physically ill or infirm, physically handicapped, or have a mental illness such that they do not require constant supervision or treatment. "Residential facility for adult care" includes a group or community residence which is licensed by the State as a "residential facility for

groups" and is designed to provide transitional living arrangements for persons with illness or disability, but only if medical and psychiatric care is provided therein on more than an occasional basis and incidental to its use as a residence. The term does not include a convalescent care facility, hospital or special care facility nor any facility which:

1. qualifies as a one-family dwelling;
  2. provides or is designed to provide surgical, medical or other specialized treatment which normally is provided by a convalescent care facility, hospital or special care facility;
  3. provides housing or care to persons who have a chronic illness, disease, injury or other condition that would require the degree of care and treatment normally provided by a convalescent care facility, hospital or special care facility; or,
  4. provides housing or care to persons who are undergoing rehabilitation for drug or alcohol abuse that would require the degree of care and treatment normally provided by a hospital or special care facility.
- b. The owners or operators of the residential facility for adult care shall provide or demonstrate the following:
1. provide necessary State permits to operate the facility at the address of the property;
  2. provide the name, address, and telephone number of the person or persons or agency in charge of the facility, and update the information as it changes;
  3. provide the names of the individuals that reside in the facility as residents, and update the list as it changes.

#### 804.14 Kennels

An establishment for the keeping, breeding and raising of four or more mature male or female domesticated dogs or cats for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

In any district permitting a kennel the following regulations shall apply:

- a. All kennels shall comply with all applicable state codes and regulations.



- b. No kennel shall be located on a lot which is less than five (5) acres.
- c. All buildings in which animals are housed and all runs shall be located at least two hundred (200) feet from all lot lines or street right-of-way lines.
- d. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be heard at the lot lines.
- e. Outdoor pens and runs may be used, provided that:
  - 1. A double row evergreen screen or other fencing satisfactory to the Zoning Officer at least six (6) feet in height is provided and maintained around the outdoor pen and run.
  - 2. No animals shall be permitted outdoors between the hours of 8:00 P.M. and 8:00 AM.

#### 804.15 Small Crafts and Services Businesses

Small Crafts and Services businesses are permitted subject to the following conditions:

- a. There shall be a maximum of three employees in addition to the resident owner or operator.
- b. The use shall only be located on a lot with a lot area of at least two (2) acres.
- c. The owner must protect adjacent properties from noise, dust or other potentially detrimental effects of the commercial activity or use.

#### 804.16 Class III Home Occupations

The following definitions shall apply for purposes of this subsection:

A “Structure” is defined to include a single or multifamily residence.

A “resident” shall include an owner or a tenant in privity of contract with an owner, who lives, cooks, and sleeps in the structure.

Class III Home Occupations shall be permitted subject to the following conditions:

- a. For purposes of this subsection, the primary use of the structure shall be a single-family residence.

- b. Only a resident of the structure shall practice the home occupation within the structure.
- c. One non-resident employee, on either a compensatory or noncompensatory basis, may be employed by the resident to provide secretarial, clerical or other similar assistance. Any resident of the residence occupied by the home occupation may be engaged in the home occupation.
- d. The home occupation shall be incidental or secondary to the structure's primary use as a residence and shall be limited to a nonprofessional or professional business. Examples of permissible home occupations include, but are not limited to, doctors, dentists, chiropractors, attorneys, realtors, insurance agents, financial planners, salespersons, artists, engineers, architects, tutors, music instructors, tailors, seamstresses, dressmakers or person collecting, selling and/or creating crafts, dry goods or items of personal adornment, preparation of food and beverages, barbers or beauticians. General and mechanical contractors shall be considered permissible home occupations, but shall be permitted to have only one business vehicle located at the property where the home occupation is located and may not include workshops, repair facilities, equipment trailers, excavation or other heavy equipment, or parking of vehicles with more than 2 axles or greater than 10,000 pounds of gross vehicle weight except in an enclosed structure. Nonpermissible home occupations shall include, but are not limited to, undertakers, veterinarians, boarding houses, vehicle repair or inspection, printing, the sale of hard goods, building supplies, home and garden supplies, office supplies and equipment, or animal raising, training or boarding.
- e. The home occupation shall only be conducted in the structure's residential areas, attic, basement, or attached garage, and shall not be conducted in structures not attached to the residence.
- f. Not more than 30% of the total useable square footage of the structure's residential area, excluding attics, basements and garages, or other storage areas, unless those areas are personally used by the resident for sleeping, cooking or living purposes, shall be used for the home occupation.
- g. No outside modifications shall be made to the structure, except for exhaust ductwork or fans necessary to comply with applicable building, health, fire or safety codes; however, minor structural modifications may be made inside the structure to accommodate the home occupation.
- h. The home occupation shall not be visibly carried on outside of the structure's physical space or area.

- i. The practice of the home occupation shall not be visible from the structure's exterior, except for the single contractor's business vehicle permitted under paragraph (d) and the business identification information on the small sign and business vehicle permitted under paragraph (l).
- j. No display of products related indirectly or directly to the home occupation shall be visible from the structure's exterior.
- k. One off-street parking space shall be provided for each 150 square feet of floor area devoted to the home occupation's use, except in the case of dental, medical or paramedical offices, and one off-street parking space shall be provided for each non-resident employee. In addition, four off-street parking spaces each shall be provided for the resident and any employee engaged in a dental, medical or paramedical practice.
- l. There shall be no outside advertising other than one sign of no more than two (2) square feet in area identifying the home occupation, in accordance with Section 506.2.b.1, and business identification information typically painted on, or attached to, vehicles used in the operation of the business.
- m. No storage of materials or products related indirectly or directly to the home occupation shall be permitted outside of the structure or in open areas.
- n. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the property's boundaries; i.e., the metes and bounds description of the property contained in the applicable deed within which the residence is situated.
- o. No potentially dangerous or dangerous effluent from the home occupation shall be discharged into the air, storm or sanitary sewer, or otherwise.
- p. The home occupation shall comply with all permit, license or regulatory requirements of any Federal, State or local agency.

Section 805 Procedures for Application to the Zoning Hearing Board

The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In the event the procedures set forth in this Ordinance shall be in conflict with or contrary to the

procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail.

Application and appeals together with the required filing fee, as established by the Governing Body, shall be submitted to the Secretary of the Zoning Hearing Board.

#### 805.1 Parties Appellant Before the Zoning Hearing Board

Appeals under Section 803.1 (a), (b), (c), (d), (e) and (f) may be filed with the Board in writing by the landowner affected, by an officer or agency of the Municipality, or any person aggrieved. Requests for a variance under Section 803.2 and for special exception under Section 803.3 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

#### 805.2 Time Limitations; 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 officer of the Municipality, 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 had no notice, knowledge, or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviated from the approved tentative plan.

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

### Section 806 Stay of Proceedings

806.1 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 other appropriate agency or body certified to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals

on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

806.2 Court hearings and determinations for posting of bonds shall be in accordance with Section 915.1(b), (c), and (d) of the Pennsylvania Municipalities Planning Code, as amended.

Ord. 2011-120, 12/11/2011.

## ARTICLE IX

### MISCELLANEOUS

#### Section 901 Appeals

Proceedings for securing review of any ordinance, decision, determination or order of the Governing Body, its agencies or officer, adopted or issued pursuant to this Ordinance, shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

#### Section 902 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Ordinance, the Governing Body, or, with their approval the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property will be substantially affected by the alleged violation, in addition to other remedies, may institute in the name of the Municipality any appropriate action or proceedings 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 Enforcement Remedies

903.1 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five hundred (500) dollars 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 be 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 not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees

collected for the violation of this Zoning Ordinance shall be paid, over to the Municipality.

903.2 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.

903.3 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.

#### Section 904 Public Utilities Corporation Exempted

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a 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.

It shall be the responsibility of the Pennsylvania Utility Commission to ensure that both the corporation and the Municipality have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

#### Section 905 Severability

Should any section, clause, word or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

#### Section 906 Repeal of Conflicting Ordinances

All existing ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect; provided, however, that the repeal of Section 509 of the Richmond Township Zoning Ordinance shall not be effective until a new Floodplain Ordinance is enacted by Richmond Township, upon which enactment Section 509 shall be automatically repealed without further action of the Board of Supervisors.

#### Section 907 Saving Clause

This Ordinance shall not be construed or held to repeal the Richmond Township Zoning Ordinance of 1986, as amended, whether said Ordinance is expressly repealed or not, as to any offense committed against said former Ordinance or as to any act done, and penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under

said former Ordinance, or in any way whatsoever to affect any such offense or act as committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under this Ordinance.

Section 908 Effective Date

This Ordinance shall become effective five (5) days after the date of its enactment and such advertisement thereof as required by law.

Ord. 2011-120, 12/11/2011.