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PART 1

Objective, Purposes, Interpretation,  
Short Title, Definition of Terms

Section 101. Statement of Community Development Objectives. It shall be, and is hereby declared to be, the objective of the Township of Tilden to provide for the orderly development of the Community through its Zoning Ordinance and Subdivision Regulations as presently in effect or hereafter amended in order to carry into effect the purposes, plans, and guidelines as set forth in the Tilden Township Comprehensive Plan, which Plan is herein incorporated by reference. (Ordinance No. 122, July 2, 1998, Section 100)

Section 102. Purposes. This Chapter is enacted in accordance with the Pennsylvania Municipal Planning Code, for the following purposes: (a) to promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as (b) to prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with the spirit of the municipality, its various parts and the suitability of the various parts for particular uses and structures. (Ordinance No. 122, July 2, 1998, Section 101)

Section 103. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, other ordinance or regulation shall be controlling. (Ordinance No. 122, July 2, 1998, Section 102)

Section 104. Short Title. This Chapter shall be known and may be cited as "The Tilden Township Zoning Ordinance of 1998". (Ordinance No. 122, July 2, 1998, Section 103)

Section 105. Definition of Terms. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged", "designed" or "intended to be used." The word "building" shall include the word "structure". The present tense shall include the

future tense. The word "shall" is always mandatory.

Accessory Use. A use which (1) is subordinate to and serves a principal building or principal use; (2) is subordinated in area, extent, or purpose to the principal building or principal use served; (3) is located on the same zoning lot as the principal building or use served; (4) is not used for dwelling purposes nor normally occupied by personnel associated with any use; and (5) is not attached to the principal building by covered passageway, has a wall more than three (3) feet high, and shares no wall in common with the principal building.

Adult Bookstore. See Adult-Oriented Use.

Adult-Oriented Use. Any adult bookstore, adult cabaret, or adult mini-motion picture theater, as defined herein, and which, under the Pennsylvania Obscenity Code, must exclude minors or may now knowingly disseminate to minor.

(1) Adult Cabaret. A cabaret, tavern, theater, or club that features strippers, male or female, impersonators or similar entertainers who exhibit, display, or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.

(2) Massage Establishment. Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Adult-Oriented Retail. See Adult-Oriented Use

Adult Theater. See Adult-Oriented Use

Alteration. Any change, rearrangement in the structural parts, or enlargement, whether by extending on any side, by increasing in height, or moving from one location or position to another.

Basement. A story, partly underground, but having more than one-half (1/2) of its clear height above average level of the adjoining ground.

Bed and Breakfast Inn. An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days.

Meals may or may not be provided.

Bed and Breakfast Unit. A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Billboard. See Sign, Off-premises.

Bookstore, Adult. See Adult-Oriented Use

Buffer Yard. A strip of required yard space adjacent to the new boundary of a property or district, not less in width than is designated in this Chapter, upon which is placed suitable plantings, and other screening elements for the purpose of providing a barrier to visibility, glare, noise or airborne particles.

Buildable Area. The area of a lot remaining after the minimum yard areas and open space requirements have been met.

Building. Any structure having a roof supported by columns, piers, or walls and used for the housing or enclosing of persons, animals, or chattels.

Building Area. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, gutters, or chimneys and steps, one story open porches, or chimneys not extending more than one (1) story and not projecting more than five (5) feet, and balconies and terraces.

Building Coverage. The amount of a lot covered by principal and accessory buildings. When this coverage is shown as a maximum allowable figure for any lot, it is usually expressed as a percentage.

Building Line. The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

Building Materials Sales Yard. Land and structures that are used for the sale, storage, loading, and unloading of building, lumber, and millwork materials.

Cabaret, Adult. See Adult-Oriented Use

Car Wash. See Motor Vehicle Washing Facility

Care Facility, Extended. A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Care Facility, Intermediate. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but do not require the degree or length of care and treatment that a hospital or a long-term care facility provides.

Care Facility, Long-term. An institution or part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) consecutive hours or to two (2) or more patients.

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

Cellar. A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground.

Centerline of Street or Road. A line midway between and parallel to the two (2) street or road property lines, or as otherwise defined by the Township Supervisors.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Club, Lodge or Social Building. A building to house a club or social organization not conducted for private profit and which is not adjunct to or operated by or in connection with a public tavern, cafe or other public place.

Cluster Development. A residential land development which allows for use of smaller lot sizes in conjunction with the preservation of open space and in which smaller lots are grouped together in a specified area of the development.

Commercial Greenhouse. A building whose roof and sides are made largely of glass or similar transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for the subsequent sale.

Commercial/Industrial Park. A tract of land that is planned, developed, and operated as an integrated facility for a number of individual commercial and/or industrial uses, with provisions to accommodate transportation facilities, vehicular and pedestrian circulation, parking and loading, utilities, aesthetics, and compatibility.



**Commercial Motor Vehicle.** Any vehicle other than a passenger car, station wagon, motorcycle or similar vehicle, and pick-up or other truck less than eighty (80) inches in width, one hundred ninety-six (196) inches in length and gross vehicle weight range of ten thousand (10,000) pounds. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed commercial motor vehicles.

**Convenience Store.** A retail establishment offering for sale household items, newspapers and magazines, prepackaged food products, drinks, and sandwiches and other freshly prepared foods for off-site consumption, characterized by a rapid turnover of customers and high traffic generation, and having a maximum gross floor area of 5,000 square feet. It may also offer for sale gasoline and motor vehicle accessories but would not include any motor vehicle services or repairs.

**Corner Lot.** See Lot, Corner.

**Cultural Facility.** An establishment that documents the social, religious, intellectual, and artistic characteristics of a society, including museums, art galleries, libraries, and similar facilities of a natural, historic, educational, or cultural interest.

**Density, Overall.** The total number of dwelling units on a given tract divided by the total number of acres in the tract, not including existing dedicated roads, but including all residential streets to be built in conjunction with subdivision development and all land set aside and dedicated for public use.

**Donation or Collection Center.** An open area, usually part of an existing paved surface, which contains one or more donation or collection containers.

**Donation or Collection Container.** A structure, usually enclosed on at least three (3) sides, often with a small door or opening providing access to its interior, intended mostly as a receptacle for the depositing of second-hand clothing, household goods, and furnishings.

**Drive-in Service.** An activity whereby patrons are served with food, soft drinks, ice cream and similar confections or whereby patrons are provided with professional or personal services for consumption outside the confines of the principal building or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

Dwelling.

(1) Single-Family. A building, on a lot, designed and occupied exclusively as a residence for one family, excluding trailers or mobile homes.

(2) Two-Family. A building, on a lot, designed and occupied exclusively as a residence for two (2) families with one (1) family living wholly or partly over the other.

(3) Multi-Family. A building, on a lot, designed and used exclusively as a residence for three (3) or more families.

Eating and Drinking Place. A retail establishment selling food and drink for consumption on the premises.

Facade. The total wall surface, including door and window area, of a building's principal face. In the case of corner buildings which front on more than one (1) street, only one (1) face shall be used to calculate facade area.

Family. One (1) or more persons who are related by blood, marriage, or adoption and who reside together; or no more than four (4) persons who are not related by blood, marriage, or adoption and who live together and share household expenses; who share kitchen facilities and dine together regularly; who may and/or do participate in all activities occurring on the premises; and who have access to all areas of the premises. This does not include, however, family care facilities, group care facilities, or correctional, penal, therapeutic, or other institutional facilities for treatment and/or rehabilitation.

Family Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for six (6) or fewer residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

Farm. A tract of land comprised of at least five (5) acres and used for (1) the cultivation of the soil, including nursery, horticulture, and forestry and (2) animal husbandry, poultry farming, and dairy farming, but excluding kennels.

**Farm Building.** Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, and processing dairy products. This term shall not include dwellings.

**Fence.** A natural vegetation or artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected.

**Financial Institution.** Any bank, savings and loan association, savings bank, credit union, investment company/manager/banker, securities broker/dealer, or other similar use.

**Floor Area, Gross.** The sum of all floor areas of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, including basement space, interior balconies and mezzanines, enclosed or roofed porches or terraces or other roofed spaces, and attic spaces, but excluding cellar space, elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers, terraces, breezeways, uncovered steps, and open space, and any space where the floor to ceiling height is less than six (6) feet.

**Floor Area, Net.** The sum of all floor areas of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading areas, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Footcandle.** Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

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

**Full Cutoff .** Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle  $10^{\circ}$  below that horizontal plane, at all lateral angles around the fixture.

**Fully Shielded.** Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors

and lenses from causing glare at normal viewing angles. In the context of this Chapter, Fully Shielded shall be construed as equal to Full Cutoff.

Functional Classification of Streets. See Streets, Functional Classification of

General service or contractor's shop. Any business of a tradesperson, including carpenter, cabinet making, furniture repair, light metalworking, tinsmith, plumbing, or similar shop.

Glare. Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

Governmental Use. Municipal, County, State, or Federal government building or facility designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments, but not including clinics.

Group Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

Height. The vertical distance of a structure measured from the average elevation of the ground surrounding the structure to its highest point.

Height of Building. The vertical distance measured from the lowest exposed part of the building as determined by the complete perimeter to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridges for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

Highway Interchange Commercial Center. A large scale, unified shopping center contained in one or more buildings and consisting of large type anchor stores, restaurants, indoor theatres, retail business, family entertainment facilities, financial

institutions, and such other uses as permitted by the Board of Supervisors, and is located near a major highway interchange.

Home-based Business, No-impact. See No-Impact Home-Based Business

Home Occupation or Accessory Professional Office Use. An occupation or professional use that is customarily carried on in a dwelling unit, or a structure accessory thereto, clearly secondary and incidental to the dwelling in which the practitioner resides.

Hospital. Any institution providing primary health services and medical, surgical and/or obstetrical care to persons suffering from illness, disease, injury, deformity, and/or other abnormal physical or mental conditions. This shall include general hospitals and institutions in which service is rendered to inpatients, but it shall also include related facilities such as outpatient services, laboratories, education and training, medical offices, administrative offices, and staff housing.

Hotel. A building or group of buildings designed primarily as a transient abiding place containing individual rooms for rent, primarily for transient guests, with common hallways for all rooms on the same floor and where no provision is made for cooking facilities in any room or suite of rooms. Such establishment furnishes to the guests customary hotel amenities such as maid service and the furnishing and laundering of linen. Eating and drinking establishments may be accessory uses provided they are located entirely within the principal building except that limited outdoor dining may be furnished in an area comprised of no more than twenty-five percent (25%) of the total dining space and shall be attached directly to the rear of the principal building. Such establishments may include additional services, such as meeting rooms, recreation facilities, and indoor entertainment.

Illuminance. Quantity of light, measured in footcandles.

Impervious Coverage. The amount of a lot that may be covered by impervious surface, usually expressed as a percentage. Such coverage computations usually include building coverage.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

Indoor Theater. Building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical, or other live performances.

Industrial Park. See Commercial/Industrial Park.

Junk Yard. Any place where discarded materials or articles including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass containers and structures are stored, disposed of or accumulated.

Kennel. Any structure or premises in which seven (7) or more dogs or cats or any combination thereof, are boarded, kept, or trained.

Laboratory. A building for scientific experimentation or research.

Laundry, Automatic Self-Service. A facility for the laundering of clothing, consisting of equipment that is operated solely by the patrons.

Light Trespass. Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lot. A piece of land on which a main building and any accessory building are or may be placed, together with the required open spaces. The area of a lot that abuts a street shall be measured to the street line or proposed street line only.

Lot Area. An area of land that is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

Lot, Corner. A lot that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. That percentage of the lot area that may be covered by one (1) level of a building area.

Lot Depth. The distance along a straight line drawn from the mid-point of the front lot line to the mid-point of the rear lot line.

Lot Frontage. A property line or portion thereof which is co-existent with a street line. In the case of a street of undefined width, said property line shall be assumed to parallel the center line of the street at a distance of not less than twenty-eight and one-half feet (28-1/2') therefrom.

Lot, Interior. A lot other than a corner lot.

Lot Line. A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

Lot Line, Front. The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line.

Lot Line, Rear. Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that only in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side. Any lot line not a front lot line or a rear lot line.

Lot, Nonconforming. A lot of record existing at the date of passage of this Chapter or, due to subsequent zoning changes, which does not have the minimum width or contain the minimum area for the zone in which it is located.

Lot Width. The distance between straight lines connecting the ends of the front and rear lot lines measured at the required building setback lines.

Lumen. As used in the context of this Chapter, the light-output rating of a lamp (light bulb).

Manufacturing. The treatment or processing of raw products and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

Methadone Treatment Facility. A facility licensed by the PA Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

Mining. A use involving the excavation and/or removal of minerals, stone, sand, gravel, coal, ore, or similar solid resources.

Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) 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 erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more lots.

Modular Home. A single-family dwelling transported to a site in one (1) or more units and designed to be joined into one (1) integral unit and constructed at the site on a full basement, having a minimum under clearance of seven (7) feet.

Motel. An establishment providing sleeping accommodations for transient guests, with the majority of rooms having direct access to the outside without passing through a main lobby.

Motor Vehicle. A self-propelled device, including cars, trucks, and boats, used to transport persons and/or goods over land and water surfaces.

Motor Vehicle Repair Facility. Any building or premises in which the primary activity is the maintenance, servicing, or repairing of motor vehicles.

Motor Vehicle Sales Establishment. Any building, land area, or other premises used for the display and sale of new and used motor vehicles. It may include any preparation or repair work to such vehicles conducted clearly as an accessory use.

Motor Vehicle Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires and accessories, or any combination thereof, are sold at retail and normal mechanical repairs are conducted, but not including body work, painting, spraying or welding or storage of vehicles not in operating condition and not on the premises for normal mechanical repairs.

Motor Vehicle Washing Facility. Any building or premises or portions thereof used for washing motor vehicles.

MPC. The PA Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended.



**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, which business or commercial activity otherwise satisfies the requirements of this Chapter.

**Nonconforming Lot.** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. See also Lot, Nonconforming.

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

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

**Nursery.** A tract of land, which may contain a greenhouse or other similar structures, used to grow flowers and/or plant materials for sale.

**Obscenity Code, Pennsylvania.** §5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

**Off-Street Loading Space.** An on the property space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys.

**Off-Street Parking Space.** An on the property space for the parking of vehicles.

**Office.** A room, group of rooms, or building in which services are performed involving the functions of a business, profession, service, or industry.

**Open Area.** An unoccupied area open to the sky, usually in a natural state but including squares, plazas, and formal gardens. Also, the unoccupied area open

to the sky on the same lot with a principal and/or accessory building.

**Open Space.** Area of a lot unoccupied by buildings, streets, driveway and/or parking lots, but including areas occupied by walkways, patios, outdoor recreation, gardens, trees or stormwater management facilities.

**Outdoor Place of Amusement.** An outdoor facility that provides various means of entertainment.

**Outdoor Vending Machine.** A coin-operated machine that sells predominantly food and drink, which is located outside of a building.

**PA Municipalities Planning Code.** Act of July 31, 1968, P.L. 805, No. 247, as amended.

**Passenger Terminal.** A place where transfer between modes of transportation takes place.

**Personal Service Establishment.** A business that is engaged primarily in providing services involving the care of a person and his/her personal goods or apparel. These establishments may include but are not limited to laundries, laundromats, dry cleaners, beauty shops, barbershops, nail salons, tanning salons, shoe repair shops, and health and fitness establishments.

**Pervious Surface.** Any material that permits full or partial absorption of stormwater into the ground.

**Place of Worship.** A building or group of buildings, including customary accessory buildings, designed or intended for the conducting of formal religious services. This shall include churches, synagogues, chapels, cathedrals, temples, mosques, and similar designations, as well as parish houses, convents, and related accessory uses, but does not include schools, recreation facilities, or dormitories.

**Principal Building.** A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

**Private Garage.** An accessory building used for the parking and storage of motor vehicles and farm equipment owned and operated by the residents thereof. This does not include a separate commercial facility available to the general public.

**Professional.** A doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor or licensed professional person offering similar medical care; optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer,

lawyer, musician, surveyor, landscape architect, land planner, systems analyst, computer programmer or other similar uses as determined by the Zoning Officer.

**Public Garage:** A building, other than a private garage, used primarily for the parking and storage of vehicles and available to the general public.

**Public Grounds.** Includes (1) parks, playgrounds, trails, paths and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic and historic sites.

**Public Sewer.** Any municipally or privately owned sewer system in which sewage is collected and piped to an approved sewage disposal plant or central septic tank disposal system and which is approved by the PA Department of Environmental Protection.

**Public Utility Installation.** Hydroelectric and electric lines, power plants and electric substations, pumping and boating stations, pipelines, sewage treatment plants, water plants and other similar facilities necessary to serve demonstrated public needs.

**Public Water.** Any municipally or privately-owned water system for the distribution and sale of water, in accordance with the laws of the Commonwealth of Pennsylvania.

**Recreational Vehicle or Unit.** A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. "Recreational vehicles or units" include travel trailers, truck-mounted campers, motor homes, folding tent campers and autos, buses or trucks adapted for vacation use and other vehicles not suitable for daily conventional family transportation. Snowmobiles, mini-bikes, all-terrain vehicles, go-carts and boat trailers are also deemed to be "recreational vehicles."

**Restaurant.** (See Eating and Drinking Place.)

**Retail Business.** Any establishment that engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Retail Service Shop.** Any establishment that primarily renders services incidental to any retail sales and may include a bakery, ice cream or similar shop, custom tailoring or millinery shop, clock, watch or jewelry shop, or household appliance repair shop.

**Retail Showroom.** A commercial enterprise contained in one building, including but not limited to , the display and sale of commodities to the general public and rendering services incidental to the sale of such goods.

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

**Sanitary Landfill.** A lot or parcel of land used primarily for the disposal of waste.

**School.** Any building or part thereof designed, constructed, or used for education or instruction in any branch of knowledge.

**School, Vocational.** A secondary or higher education facility teaching usable skills that prepare students for employment in a trade or business and meeting the State requirements for schools.

**Seats.** The seating capacity of a particular building or use. In the event individual seats are not provided, each twenty (20) inches of benches or similar seating accommodations shall be considered as one (1) seat for the purposes of this Chapter.

**Self-Storage Facility.** A structure or group of structures containing separate, secure, and private storage spaces of varying sizes that are leased or rented.

**Setback Line.** A line that, between it and the street or lot line, no building or other structure, or portion thereof, except as provided in this Chapter, may be erected above the grade level. The setback line is considered to be a vertical surface intersecting the ground on such line.

**Shopping Center.** A shopping area of integrated design and development including, but not limited to, such uses as retail shops, personal service establishments, professional and business offices, banks, post offices, restaurants, theaters and auditoriums, and housed in an enclosed building or buildings and utilizing such common facilities as customer parking, pedestrian walks, loading and unloading spaces, utilities and sanitary facilities.

**Sign.** Any object, device, display, or structure that is used to advertise, identify, display, direct, or attract attention, including structural elements, bases, sign faces, trim and borders.

**Sign, Animated.** A sign that uses movement or change of lighting to depict action or to create a visual effect or scene.

Sign, Banner. A sign of lightweight fabric or similar material that is attached at one or more edges or corners to a pole or building. A banner that acts as a business identification, informational, or promotional sign is considered a temporary sign.

Sign, Business Identification. A sign which contains elements which identify the official name of a business and which may contain minimal references to products or services that help to clarify the type of business being conducted on the premises.

Sign, Changeable Copy. A sign or portion thereof with characters or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign upon which the message changes more than eight (8) times per day shall be considered an animated sign. A sign that shows the date, time, and/or temperature shall not be considered a changeable copy sign.

Sign, Directional. An advertising sign or device intended to direct or point toward a place or object or that points out the way to a place or object that obviously could not be easily found without such a sign or device.

Sign Face. That portion of a sign, including the display area, border and trim, but excluding the base, supports and other structural members, facing traffic moving in one direction.

Sign, Flashing. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked change in lighting effects. Illuminated signs that indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.

Sign, Free-standing. A permanent in-ground or surface-mounted sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

Sign, Illuminated. A sign that is lighted by or exposed to artificial lighting from a light source on or inside the sign or directed toward the sign.

Sign, Nonconforming. A sign that does not conform to the provisions of this Chapter that regulate signs.

Sign, Off-premises. Any outdoor sign, display, figure, painting, drawing, message, billboard or any other thing which is designed, intended or used to advertise or inform, any part of which advertising or information content is visible

from any place on the main traveled way of the interstate system or any thoroughfare in the Township; but does not include on-premise signs advertising or identifying activities conducted on or products sold on the property upon which they are located.

Sign, On-premises. A sign that directs attention to a person, business, profession, product, home occupation, or activity conducted on the same lot.

Sign, Outdoor Advertising. See Off-Premises Sign.

Sign, Portable. A sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A-frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.

Sign, Projecting. A sign which is attached directly to a building wall and which extends at least twelve (12) inches but no more than four (4) feet from the face of such wall, but not canopy signs.

Sign, Promotional. A temporary sign that advertises or describes sales events, products or service promotions, or new products or service introductions related to the business being conducted on the premises.

Sign, Roadside. A permanent sign which the entire bottom of the sign is affixed to the ground, not to a building, and not exceeding eight feet (8') in height.

Sign, Roof. A sign erected and constructed on the roof of the building on which it is located and extending vertically no higher than the highest point of the roof.

Sign, Temporary. A sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

Sign, Real Estate. A sign relating to the property on which it is located, offering such property for sale, lease, or rent, and includes open house signs.

Sign, Wall. A sign that is attached parallel to a building wall with the face of said sign extending no more than twelve (12) inches from the face of the wall.

Single and Separate Ownership. The ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

**Story.** That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest floor having seventy five (75) percent or more of its wall area above grade level.

**Street.** A public thoroughfare that is legally open or officially plotted by the Township, or a private thoroughfare over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right of way.

**Structure.** Anything constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground. A building shall be construed as a structure. Fences under six feet (6') and retaining walls under four feet (4') are excluded from this definition.

**Studio.** The working place of a painter, sculptor, photographer, or similar artist, or the place for the study of an art, such as dancing, singing, musical instrument playing, or similar artistic endeavor.

**Swimming Pool.** Any container, above or below ground level, designed to hold twelve (12) inches or more of water, located on a lot as an accessory use, and intended or adapted for the purposes of immersion or partial immersion of persons therein.

**Telecommunications.** Communication over a distance greater than one (1) mile by signal carried by electronic, electromagnetic, optical, or like means.

**Telephone Central Office.** A building or part of a building or a structure or part of a structure used for the transmission, exchange, receipt, or processing of telecommunications or radio signals. In residential districts, such use shall not include the transaction of business with the public, storage of materials outside of a building, storage of vehicles, repair facilities, or housing of repair crews. A telephone central office includes telecommunications signal facilities but does not include private, non commercial facilities for recreational telecommunication or radio use, such as HAM radio or similar facilities.

**Township.** Tilden Township, Berks County, Pennsylvania.

**Township Specifications.** Specifications duly adopted by the Board of Supervisors by formal resolution for a specific purpose.

**Treatment Center.** A use (other than a prison or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment, training, and/or counseling for stays in most cases of less than one year and who need such facilities because of:

(1) Criminal rehabilitation, such as a criminal halfway house/criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol;

(2) Chronic abuse of or addiction to alcohol and/or other controlled substance;

(3) A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others;

(4) Probation, parole, or early release from correctional institutions.

Trucking Terminal. An area or building where trucks load and unload cargo and freight that may be broken down or aggregated into smaller or larger loads for transfer to other vehicles. Any related storage facilities are to be clearly incidental to the principal use.

Use. Any purpose for which a lot or structure may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a structure on a lot.

Use, Accessory. See Accessory Use.

Use, Conditional. See Conditional Use.

Use, Nonconforming. See Nonconforming Use.

Use Permitted by Right. Any use within a given zoning district that is specifically allowed as a matter of "right".

Use, Principal. The primary use or purpose of which a building, structure, and/or land, or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained, under this Chapter.

Use, Prohibited. A use of land or structures that is not permitted within a particular zoning district.

Use, Special Exception. A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601, et seq., 10901, et seq.



Utility Substation. See Public Utility Installation.

Variance. Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq.

Veterinary Office. Any building used for the treatment and limited temporary boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl by a veterinarian. Such use shall not be construed as a professional office under the definitions and terms of this Chapter.

Warehouse. A building used primarily for the storage of goods and materials.

Warehouse Distribution Center. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials not manufactured on-site, and not including retail sales or a truck terminal.

Waste. Garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste material resulting from industrial, commercial, agricultural, and residential activities.

Wholesale Business. An establishment which sells merchandise to retailers, other wholesalers, and industrial, commercial, institutional, or professional business users.

Yards, Front. The required open space, the full width of the lot, extending from the street line to the nearest structure on the lot, exclusive of overhanging eaves, gutters, or cornices.

Yard, Side. The required open space, the full depth of the lot, extending from the side line of the lot to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.

Yard, Rear. The required open space, the full width of the lot, extending from the rear property line of the lot to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.

Yard, Interior. The open space separating any buildings situated on a lot held in single and separate ownership.

Zoning Hearing Board. A body appointed by the Board of Supervisors to examine and decide appeals for relief from strict conformance to this Chapter or

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relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in the Township.

Zoning Map. The official plan of zoning districts in the Township showing precisely the boundaries and titles of each zoning district, which map is part of this Chapter.

Zoning Officer. A person retained by the Township to enforce the regulations of this Chapter, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of this Chapter subject to appeal of the Zoning Hearing Board.

(Ordinance No. 122, July 2, 1998, Section 104; as amended by Ordinance No. 143, October 9, 2002, Section 1; as further amended by Ordinance No. 144, October 9, 2002, Section 1; as amended and restated in its entirety by Ordinance No. 152, November 6, 2004, Section 1; as further amended by Ordinance No. 161, January 3, 2006, Section 1; as further amended by Ordinance No. 172, January 2, 2007, Section 1; as further amended by Ordinance No. 173, January 2, 2007, Section 1; as further amended by Ordinance No. 194, July 11, 2009, Section 1; as further amended by Ordinance No. 195, July 11, 2009, Section 1)

PART 2

Classification of Districts

Section 201. Classes of Districts. For the purpose of this Chapter, Tilden Township is hereby divided into eleven (11) classes of districts which shall be designated as follows:

- R-1 Rural Residential Districts
- R-2 Residential Districts
- R-3 Residential Districts
- R-4 Multi-Family Residential Districts
- C-1 Neighborhood Commercial Districts
- C-2 Highway Commercial Districts
- L-1 Limited Industrial Districts
- L-2 Industrial Districts
- L-3 Educational Industrial Districts
- OS Open Space Districts
- A Agricultural Districts
- A-2 Intensive Agricultural District

(Ordinance No. 122, July 2, 1998, Section 200; as amended by Ordinance No. 143, October 9, 2002, Section 13)

Section 202. Zoning Map. The boundaries of said districts shall be as shown on the map attached to and made a part of this Chapter, which map shall be known as the "Zoning Map of Tilden Township of 1998." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein. (Ordinance No. 122, July 2, 1998, Section 201; as amended by Ordinance No. 128, April 3, 2000, Section 1; as further amended by Ordinance No. 144, October 9, 2002, Section 6; as further amended by Ordinance No. 143, October 9, 2002, Section 17; as further amended by Ordinance No. 161, January 3, 2006, Section 13)

Section 203. District Boundaries. Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

(a) District boundary lines are intended to follow the center line of streets, streams and railroads; and lot or property lines as they exist on plans of record at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

(b) Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten feet (10')

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therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

(c) In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

(d) In case any further uncertainty exists, the Zoning Hearing Board shall interpret the intent of the map as to location of district boundaries.

(Ordinance No. 122, July 2, 1998, Section 202)

PART 3

R-1 Rural Residential Districts

Section 301. Purpose and Intent. The purpose of R-1 Rural Residential Districts is to protect the natural environment and preserve the ecological balance in areas of the Township which contain extensive tree cover, steep slopes and other natural features which would be destroyed by extensive and intensive development; to discourage the scattering of residential subdivision development and commercial, industrial and other urban-type uses in predominately undeveloped areas of the Township where public services are neither currently available nor anticipated in the immediate future, and to otherwise create conditions conducive to carrying out the purposes of this Chapter as set forth in Section 102. (Ordinance No. 122, July 2, 1998, Section 300)

Section 302. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- (a) Single-family detached dwelling.
- (b) Farm and accessory farm buildings including a greenhouse, provided that any building used for keeping or raising livestock or poultry shall be situated not less than one hundred feet (100') from any street line, proposed street line, or dwelling other than the owners dwelling and not less than fifty feet (50') from any other property line.
- (c) Roadside stand for the sale of farm or nursery products, seventy-five percent (75%) of which are produced on the property where offered for sale, provided (1) such stand shall be situated not less than fifteen feet (15') from any street line or proposed street line, and (2) that any such stand shall be removed or kept in good condition during seasons when products are not being offered for sale.
- (d) Public building, public park or public recreation area.
- (e) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
- (f) Home occupations, as defined, when conducted in accordance with the provisions of Section 1613.
- (g) Accessory office of a physician, lawyer, clergyman, teacher or other profession of like character, excluding undertakers, when conducted in accordance with the provisions of Section 1614.

(h) Utility substation when authorized as a special exception.

(i) The following uses when authorized by the Zoning Hearing Board as a special exception, provided that any such use be located on a site of not less than two (2) acres:

(1) Private educational, religious or philanthropic use.

(2) Camp or private recreation area.

(3) Hospital, convalescent home or sanitarium.

(4) Cemetery.

(5) Public, private or parochial school.

(6) Church or other place of worship.

(j) Forestry, as a use permitted by right.

(k) No-impact Home-Based Business as a use permitted by right.

(Ordinance No. 122, July 2, 1998, Section 301; as amended by Ordinance No. 152, November 6, 2004, Section 2)

Section 303. Area and Height Regulations.

(a) Lot Area and Width. A lot area of not less than five (5) acres since it is primarily mountainous area, with a width of not less than two hundred feet (200') at the building line, shall be provided for each dwelling and for every other principal use or building permitted in this District.

(b) Building Area. Not more than fifteen percent (15%) of the area of any lot shall be occupied by buildings.

(c) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall have a depth of not less than sixty feet (60') in depth provided that the front yard on the long side of a corner lot may be reduced to a depth of not less than thirty-five feet (35').

(d) Side Yards. There shall be two (2) side yards on each lot neither of which shall be less than forty feet (40') feet in width with an aggregate of ninety feet (90').

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(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(f) Height Regulations. The height of any building shall not exceed thirty-five feet (35') or two (2) stories.

(Ordinance No. 122, July 2, 1998, Section 302; as amended by Ordinance No. 172, January 2, 2007, Section 2)

PART 4

R-2 Residential District

Section 401. General. In R-2 Residential District the following regulations shall apply: (Ordinance No. 122, July 2, 1998, Section 400)

Section 402. Use Regulations.

(a) The uses permitted in R-1 Rural Residential Districts shall be permitted in R-2 Residential Districts.

(b) When authorized by special exception pursuant to Sections 404 and 2120 of this Chapter, Residential Cluster Development allowing for the following: single-family residential cluster dwellings; accessory buildings and uses customarily incidental to residential uses, including recreational facilities as defined in the property owners' association charter or agreement; and buildings and structures associated with agricultural conservation or other permitted activities.

(Ordinance No. 122, July 2, 1998, Section 401)

Section 403. Area and Height Regulations.

(a) Lot Area and Width.

(1) For every principal building hereafter erected or used for any permitted use in this district, a lot without an approved public sanitary sewage system and an approved public water supply shall have an area of not less than seventy thousand (70,000) square feet. Lots with approved public sanitary sewer system and approved public water supply shall have an area of not less than twenty-five thousand (25,000) square feet and shall include curbing along any street frontage. Lots having approved public sanitary sewer system and on-lot water supply shall have an area of not less than forty thousand (40,000) square feet.

(2) For every principal building hereafter erected or used for any use permitted in this district, a lot served by both an approved public sanitary sewer system and an approved public water supply shall have a lot width not less than one hundred twenty-five feet (125') at the building line. A lot having an approved public sanitary sewer system and on-lot water supply shall have a lot width of not less than one hundred forty feet (140') at the building line. A lot without an approved public sanitary sewer system and an approved public water supply, shall have a lot width of not less than



one hundred seventy-five feet (175') at the building line.

(b) Building Area. The building area shall not exceed fifteen percent (15%) of the lot area.

(c) Front Yards. There shall be a front yard on each street or road on which the lot abuts, the depth of which shall be at least sixty feet (60') measured from the street or road line.

(d) Side Yards.

(1) For any building or use served with on-lot water supply and on-lot sanitary sewer system there shall be two (2) side yards not less than ninety feet (90') in aggregate width and neither less than forty feet (40') in width.

(2) For any building or use served with on-lot water supply and an approved public sanitary sewer system there shall be two (2) side yards not less than seventy-five feet (75') in aggregate width and neither less than thirty feet (30') in width.

(3) For any building or use served with approved public water supply and an approved public sanitary sewer system there shall be two (2) side yards not less than forty-five feet (45') in aggregate width and neither less than twenty feet (20') in width.

(e) Rear Yards. There shall be a rear yard, the depth of which shall be at least fifty feet (50').

(f) Detached Garages. Detached private garages erected on any lot shall not be less than twenty-five feet (25') from the rear property line and shall not be less than ten feet (10') from the party line.

(g) Attached Garages. Attached private garages which are connected to any dwelling with or without a breezeway, shall be considered a part of the dwelling for the purpose of measuring any required open space.

(h) Height Regulations. The height of any building shall not exceed thirty-five feet (35') or two (2) stories and the height of any accessory building shall not exceed twenty feet (20').

(i) Accessory Buildings. Accessory buildings, which are not a structural part of the dwelling, may be erected in the required rear or side yards, provided

that such accessory building shall be situated not less than ten feet (10') from any property line and shall not exceed fifteen feet (15') in height.

(Ordinance No. 122, July 2, 1998, Section 402; as amended by Ordinance No. 172, January 2, 2007, Section 3)

Section 404. Residential Cluster Development Zoning Purpose, Conditions and Requirements.

(a) Intent. The Residential Cluster Development Zoning is designed to permit the development of single-family dwellings, which will allow for flexibility in site layout and planning by "clustering," so as to provide for the sound physical handling of the site in situations where the site amenities, such as tree cover, wetlands, streams and agricultural land, and other natural features may be preserved or have a land use relationship to make a compact cluster land plan more desirable.

(b) Required Conditions. In addition to any other requirements in the Zoning Ordinance or Subdivision and Land Development Ordinance, the following general standards shall be used as additional conditions for the approval of a special exception for a Residential Cluster Development:

(1) The development shall include single-family detached dwellings only.

(2) The minimum land required for Residential Cluster Development shall be fifty (50) acres and it shall be held in single ownership or control pursuant to deed, lease or other written agreement at the time of application.

(3) Each lot shall have adequate access on a public or private roadway.

(4) Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

(5) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, roadways, driveways and parking.

(c) Dimensions and Density Requirements. In addition to any other requirements in the Zoning Ordinance or Subdivision and Land Development Ordinance, the following general standards shall be used as additional conditions

on the approval of Residential Cluster Development:

(1) A single-family detached dwelling or lawful accessory building may be constructed on an approved lot within a Residential Cluster Development although such lot has less area and frontage than the minimal lot size normally required as herein specified.

(2) The maximum number of dwelling units permitted in a Residential Cluster Development shall be calculated based upon the seventy thousand (70,000) square feet lot size excluding any other restricted areas. All restricted areas shall be identified on the plan. A cluster bonus of fifteen percent (15%) shall be allowed at the discretion of the Zoning Hearing Board.

(3) Lots in the Residential Cluster Development shall be a minimum of fifteen thousand (15,000) square feet.

(4) Lot width of no less than seventy-five feet (75') on a public or private way.

(5) Minimum front, rear and side yards shall be as follows:

Twenty-five feet (25') minimum front yard

Fifty feet (50') minimum rear yard

Fifteen feet (15') minimum side yard

More definitive site restrictions may be appropriate for specific plans and for individual lots on a specific plan.

(6) All residential lots and accessory uses within the development shall be set back from the right-of-way of existing public road by a buffer strip of twenty-five feet (25') in the case of a landscape strip or two hundred feet (200') in such case as the strip is to be used for agricultural purpose. Such buffer strips will be included in a landscape plan or farm plan, as appropriate, to be submitted pursuant to the Subdivision and Land Development Ordinance. Such buffer strips shall be considered as part of open or common space as set forth in the Subdivision and Land Development Ordinance. No building shall face an existing public road and no lot shall have direct access to an existing public road.

(7) All structures accessory to a residence shall be located within sixty feet (60') of the primary structure.

(8) Generally, sidewalks and curbs will be required in the area adjacent to the housing and may not be required on approach roadways.

(d) Application to Zoning Hearing Board. Application for approval of the Zoning Hearing Board for a special exception allowing any Cluster Development Zoning must include information and a plan to demonstrate ability and intention to comply with the above-mentioned requirements and conditions together with those as set forth in Sections 404 and 2120 of this Chapter. Approval of the special exception by the Zoning Hearing Board is a prerequisite to subdivision and development approval of any proposed residential cluster development. Approval of special exception by the Zoning Hearing Board will in no way constitute subdivision or land development approval or waiver by the Township as to any condition or requirement as set forth in the Subdivision and Land Development Ordinance.

(Ordinance No. 122, July 2, 1998, Section 403)

PART 5

R-3 Residential District

Section 501. General. In R-3 Residential District the following regulations shall apply: (Ordinance No. 122, July 2, 1998, Section 500)

Section 502. Use Regulations. The uses permitted in R-1 Rural Residential District and R-2 Residential District shall be permitted in R-3 Residential Districts. (Ordinance No. 122, July 2, 1998, Section 501)

Section 503. Area and Height Regulations.

(a) Lot Area and Width.

(1) For every principal building hereafter erected or used for any permitted use in this district, a lot without an approved public sanitary sewage system and an approved public water supply shall have an area of not less than forty thousand (40,000) square feet and a lot width of not less than one hundred forty feet (140') at the building line. A lot size may be reduced to no less than thirty thousand (30,000) square feet provided that for each lot having less than forty thousand (40,000) square, the developer shall be required to dedicate to open space use an area equivalent to the difference between the lot size and forty thousand (40,000) square feet.

(2) For every principal building hereafter erected or used for any use permitted in this district, a lot served by both an approved public sanitary sewage system and an approved public water supply shall have an area of not less than fifteen thousand (15,000) square feet and a lot width of not less than one hundred (100) feet at the building line. A lot size may be reduced to no less than ten thousand (10,000) square feet provided that for each lot having less than fifteen thousand (15,000) square feet, the developer shall be required to dedicate to open space use an area equivalent to the difference between the lot size and fifteen thousand (15,000) square feet.

(b) Building Area. The building area shall not exceed fifteen percent (15%) of the lot area.

(c) Front Yards. There shall be a front yard on each street or road on which the lot abuts, the depth of which shall be at least forty feet (40') measured from the street or road line.

(d) Side Yards.

(1) For any building or use served with on-lot water supply and on-lot sanitary sewer system there shall be two (2) side yards not less than seventy-five feet (75') in aggregate width and neither less than thirty feet (30') in width.

(2) For any building or use served with approved public water supply and an on-lot sanitary sewer system there shall be two (2) side yards not less than forty feet (40') in aggregate width and neither less than fifteen feet (15') in width.

(3) For any building or use served with an approved public water supply and an approved public sanitary sewage system there shall be two (2) side yards neither having a width of less than fifteen feet (15').

(e) Rear Yards. There shall be a rear yard, the depth of which shall be at least forty feet (40').

(f) Detached Garages. Detached private garages erected on any lot shall not be less than twenty-five feet (25') from the rear property line and shall not be less than ten feet (10') from the side line, except for non-conforming lots. Detached private garages on non-conforming lots shall not be less than three feet (3') from the rear and side property lines.

(g) Attached Garages. Attached private garages which are connected to any dwelling with or without a breezeway, shall be considered a part of the dwelling for the purpose of measuring any required open spaces.

(h) Height Regulations. The height of any building shall not exceed thirty-five feet (35') or two (2) stories and the height of any accessory building shall not exceed twenty feet (20').

(i) Accessory Buildings. Accessory buildings, which are not a structural part of the dwelling, may be erected in the required rear or side yards, provided that such accessory building shall be situated not less than ten feet (10') from any property line and shall not exceed fifteen feet (15') in height. Accessory buildings on non-conforming lots shall not be less than three feet (3') from the rear and side property lines.

(Ordinance No. 122, July 2, 1998, Section 502; as amended by Ordinance No. 172, January 2, 2007, Section 4; as further amended by Ordinance No. 195, July 11, 2009, Section 2)

PART 6

R-4 Multi-Family Residential Districts

Section 601. Purposes. The R-4 Multi-Family Residential District is hereby established as a District in which regulations are intended to make adequate provisions for a wide range of residential structures, concentrated in clusters in order to provide expansive areas of common open space. Among the purposes of this district are: (Ordinance No. 122, July 2, 1998, Section 601)

(a) To encourage innovations in the type, design and layout of dwelling units.

(b) To provide for the conservation and more efficient utilization of open space ancillary to residential structures.

(c) To provide a procedure which can relate the type, design and layout of residential development to the particular site in a manner consistent with the preservation of property values within established residential areas. In all districts designated upon the Zoning Map or in this Chapter as "R-4" Districts, uses permitted in "R-1, R-2 and R-3" Residential Districts shall be permitted and the following regulations shall apply:

(Ordinance No. 122, July 2, 1998, Section 600)

Section 602. Procedural Requirements. Applications for permits pursuant to this Part shall be submitted in accordance with the requirements of Section 1611. (Ordinance No. 122, July 2, 1998, Section 601)

Section 603. Use Regulations.

(a) Detached, semi-detached or attached groups of attached, clustered or multi-storied structures may be erected or used for single or multi-family dwelling units. A variety of housing types such as townhouses, garden apartments and clustered free-standing dwellings is encouraged. Except to the extent as may be required by law pursuant to the Municipalities Planning Code and Subsection 1603(b) of this Chapter, pertaining to extension of non-conforming uses, no further development of mobile home parks will be permitted in the R-4 District.:

(b) Forestry, as a use permitted by right.

(c) No-impact Home-Based Business as a use permitted by right.

(Ordinance No. 122, July 2, 1998, Section 602; as amended and restated in its entirety by Ordinance No. 152, November 6, 2004, Section 3)

Section 604. Area and Height Regulations.

(a) Area Regulations for lots to be developed individually shall conform to the R-3 Area Regulations as defined in Subsections 503(a) through 503(h), inclusive.

(b) Accessory Buildings. Accessory buildings, which are not a structural part of the dwelling, may be erected in the required rear or side yards, provided that such accessory building shall be situated not less than ten feet (10') from any property line and shall not exceed fifteen feet (15') in height.

(c) Area Regulations for Multi-Family Residential Districts shall be as follows:

(1) Area and Width. Every Multi-Family Residential Development shall have a total area of not less than ten (10) acres, and such area shall have at least two (2) access ways, not less than two hundred fifty feet (250') apart, and each access way shall be twenty-five feet (25') wide.

(2) Building Coverage. Not more than twenty percent (20%) of the area may be occupied by buildings.

(3) Density. The average density shall not exceed eight (8) dwelling units per acre throughout the planned residential development district.

(4) Height Regulations. No building in a Multi-Family Residential Development shall exceed thirty-five feet (35') or two (2) stories in height.

(5) Open Space. Twenty-five percent (25%) of open space area shall be provided. Drives, parking, detention ponds or areas with slopes exceeding fifteen percent (15%) shall not be considered open space.

(Ordinance No. 122, July 2, 1998, Section 603; as amended by Ordinance No. 143, October 9, 2002, Section 2; as further amended by Ordinance No. 172, January 2, 2007, Section 5)

Section 605. Special Regulations.

(a) Multi-Family and Mobile Home Park Developments.

(1) A buffer strip shall be provided along the entire perimeter of



the property of which multi-family dwelling units or mobile homes are erected, of at least fifty feet (50') in width measured inward from the property line and retained in natural woods, or suitable landscaped with grass and/or ground cover, shrubs and trees. No parking or roadways, except roadways crossing at right angles to the buffer area for the purpose of providing access to the property, shall be allowed in this area. The buffer strip area shall not be considered as part of the usable open space or recreation area as required by Chapter 18 (Mobile Homes and Mobile Home Parks), as amended.

(2) Streets conforming to the applicable Township ordinances and regulations may be dedicated to the Township after construction. Streets that are not dedicated to the Township and parking areas shall be constructed with a minimum of three inches (3") of bituminous concrete base course and one and one-half inches (1-1/2") of a bituminous wearing course on a stable subgrade as approved by the Township engineer.

(3) Each dwelling shall be served by an approved public water supply and approved central sewage disposal system or systems in conformity with all state, county and Township statutes, ordinances and regulations.

(4) A subdivision plan showing type of construction and the number, spacing, size and arrangement of dwelling clusters and open space must be approved by the Planning Commission and Board of Supervisors and otherwise comply with the provisions of this Chapter before construction begins.

(5) Professional review by the Township, including legal, engineering and planning, shall be required unless specifically waived by the Board of Supervisors. All review expenses shall be paid by the applicant.

(6) Curbs and sidewalks shall be provided, if required by the Township, for the purpose of promoting pedestrian safety.

(b) Mobile Home Park Development.

(1) The minimum lot area for any such development shall be ten (10) acres.

(2) The density of such development shall not exceed one (1) dwelling unit per six thousand (6,000) square feet.

(3) The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be nine (9). If less than nine (9) spaces, all spaces must be completed before the first occupancy is permitted.

(4) No space shall be rented for residential use of a mobile home in any such park except for periods of thirty (30) days or more.

(5) Each Mobile Home Park shall maintain an area of usable open space or recreation area of not less than ten percent (10%) of its overall use. Eighty percent (80%) of the area provided shall be contiguous to itself. The area provided shall have a grade not exceeding eight percent (8%) and shall not be located in a wetland or other restrictive use area.

(6) All provisions of the Township Mobile Home Park Regulatory Chapter, as amended, must be met.

(Ordinance No. 122, July 2, 1998, Section 604; as amended by Ordinance No. 143, October 9, 2002, Section 3)

PART 7

C-1 Neighborhood Commercial Districts

Section 701. Purpose. The C-1 Neighborhood Commercial District is established to provide for the special requirements of retail, convenience-type commercial establishments that serve primarily the day-to-day needs of the immediately surrounding neighborhood, and to encourage attractive, compact retail commercial development in locations that are close to the individuals served. (Ordinance No. 152, November 6, 2004; Section 9)

Section 702. Use Regulations. A detached or semi-detached building may be erected or used and a lot may be used or occupied for any one or a combination of the following purposes. Such uses shall be in conformity with the Special Regulations set forth in Section 704 of this Part, with the Environmental Performance Standards set forth in Section 1621, and with the applicable provisions of Part 17, Performance Standards.

- (a) The following uses are permitted by right:
- (1) Retail store, but not including adult-oriented uses or tattoo parlors.
  - (2) Eating and drinking place, but not including drive-in service.
  - (3) Personal service shop, but not including laundry, dry cleaning, or clothes pressing establishment.
  - (4) Retail service shop.
  - (5) Office.
  - (6) Studio.
  - (7) Financial institution.
  - (8) Single-family detached dwelling unit.
  - (9) Forestry.
  - (10) Governmental use.
  - (11) Convenience Store, but not including the sale of gasoline and motor vehicle accessories.

(12) General Service or Contractor's Shops, with a maximum of six (6) employees including owners.

(b) The following accessory uses are permitted by right:

(1) Accessory use on the same lot and customarily incidental to the above permitted uses.

(2) No-impact home-based business.

(c) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

(1) Passenger terminal.

(2) Utility substation.

(3) Bed and breakfast inn.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that public sewer and water service is available:

(1) Automatic self-service laundry.

(Ordinance No. 152, November 6, 2004, Section 9; as amended by Ordinance No. 195, July 11, 2009, Section 3)

Section 703. Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than forty thousand (40,000) square feet or twenty thousand (20,000) square feet if off-lot water and sewer is provided.

(b) Lot Width. Every lot shall not be less than one hundred (100) feet in width at the building line.

(c) Building Area. Not more than forty-five (45) percent of the area of each lot may be occupied by buildings.

(d) Impervious Coverage. Not more than sixty-five (65) percent of the area of each lot may be occupied by impervious surface.

(e) Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than fifty (50) feet in depth on lots of 40,000 square feet in area or larger nor less than thirty-five (35) feet on lots of 20,000 to 40,000 square feet in area.

(f) Side Yards. There shall be two (2) side yards on each lot that shall be not less than twenty-five (25) feet.

(g) Rear Yard. There shall be a rear yard on each lot that shall be not less than fifty (50) feet in depth.

(h) Height. No building shall exceed two (2) stories or thirty-five (35) feet in height.

(Ordinance No. 152, November 6, 2004, Section 9)

Section 704. Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the C-1 District:

(a) A buffer yard is required, in accordance with Section 1609, along each side or rear property line that directly abuts a residential district.

(b) No permanent storage of merchandise, articles, or equipment shall be permitted outside a building, and no goods, articles, or equipment shall be stored displayed or offered for sale beyond the front building line.

(c) No outdoor vending machine or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

(d) Off-street parking and loading zones shall be in accordance with Part 18.

(Ordinance No. 152, November 6, 2004, Section 9)

PART 8

C-2 Highway Commercial Districts

Section 801. Purpose. The C-2 Highway Commercial District is established to provide for a wide range of highway-oriented retail, motor vehicle, and heavier service-type commercial activities, which generally require main highway locations and cater to transient as well as to local customers. Among the purposes of this District are (a) to encourage the sound and appropriate commercial development of compact segments of major highway frontage, (b) to provide locations for important highway-oriented type business, and (c) to protect major highways as thoroughfares. (Ordinance No. 152, November 6, 2004, Section 10)

Section 802. Use Regulations. A detached building may be erected or used and a lot may be used or occupied for any of the following purposes. Such uses shall be in conformity with the Special Regulations set forth in Section 804 of this Part, with the Environmental Performance Standards set forth in Section 1621, and with the applicable provisions of Part 17, Performance Standards.

- (a) The following uses are permitted by right:
  - (1) Retail store.
  - (2) Personal service shop, but not including laundry, dry cleaning, or clothes pressing establishment.
  - (3) Retail service shop.
  - (4) Office.
  - (5) Studio.
  - (6) Financial institution.
  - (7) Forestry.
  - (8) Cultural facility.
  - (9) Governmental use.
  - (10) General service or contractor's shop.
  - (11) Dwelling quarters for watchman or caretaker employed on the

premises.

(12) Convenience Store.

(13) Kennel

(b) The following uses are permitted provided that public sewer and water system is available:

(1) Eating and drinking places, including drive-in service.

(2) Laundry, dry cleaning or clothes pressing establishment.

(3) Retail Showroom in accordance with Section 1727.

(4) Highway Interchange Commercial Center in accordance with Section 1715.

(5) Research, testing, or experimental laboratory.

(c) The following accessory uses are permitted by right:

(1) Accessory use on the same lot and customarily incidental to the above permitted uses.

(2) No-impact home-based business.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

(1) Building materials sales yard.

(2) Telephone central office.

(3) Utility substation.

(4) Outdoor place of amusement, recreation or assembly.

(5) Self-storage facility.

(6) Passenger terminal.

(7) Motor vehicle service station.

- (8) Motor vehicle sales establishment.
- (9) Motor vehicle repair facility.
- (10) Commercial greenhouse.
- (11) Warehousing.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that public sewer and water service is available:

- (1) Automatic self-service laundry.
- (2) Motor vehicle wash establishment.
- (3) Care facility, extended.
- (4) Care facility, intermediate.
- (5) Care facility, long-term.
- (6) Shopping center.
- (7) Nursery.
- (8) Motel or hotel.
- (9) Wholesale business establishment including wholesale bakery.
- (10) Vocational school.
- (11) Community recreation building.
- (12) Place of worship.
- (13) Funeral home.
- (14) Club, lodge, or social building.
- (15) Veterinarian office.



- (16) Clinic.
- (17) Medical/dental office.
- (18) Commercial/Industrial park.

(Ordinance No. 152, November 6, 2004, Section 10; as amended by Ordinance No. 161, January 3, 2006, Section 2; as further amended by Ordinance No. 195, July 11, 2009, Section 4)

Section 803. Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than sixty-five thousand (65,000) square feet.

(b) Lot Width. Every lot shall not be less than one hundred fifty (150) feet in width at the building line.

(c) Building Area. Not more than fifty (50) percent of the area of each lot may be occupied by buildings.

(d) Impervious Coverage. Not more than seventy-five (75) percent of the area of each lot may be covered by impervious surface.

(e) Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than fifty (50) feet in depth.

(f) Side Yards. There shall be two (2) side yards, neither of which shall be less than twenty-five (25) feet in width.

(g) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.

(h) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height.

(Ordinance No. 152, November 6, 2004, Section 10; as amended by Ordinance No. 172, January 2, 2007, Section 6)

Section 804. Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the C-2 District:

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(a) A buffer yard is required along each side or rear property line that directly abuts a residential district, in accordance with Section 1609.

(b) No goods, articles, or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for the display of motor vehicles not less than ten (10) feet from the street line. This restriction shall not apply to nursery, greenhouse, building materials sales yard, or motor vehicle repair facility uses.

(c) Off-Street Parking and Loading in accordance with Part 18.

(Ordinance No. 152, November 6, 2004, Section 10)

PART 9

L-1 Limited Industrial Districts

Section 901. Purposes. The purpose of the L-1 Limited Industrial District is to permit and encourage certain commercial uses and light industrial development that will be harmonious with the overall pattern of physical development of the Township and that will contribute to the soundness of the economic base of the Township. (Ordinance No. 152, November 6, 2004, Section 11)

Section 902. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Environmental Performance Standards set forth in Section 1621 of this Chapter, and with the applicable provisions of Part 17, Performance Standards:

- (a) The following uses are permitted by right:
  - (1) Governmental use.
  - (2) Motor vehicle service station.
  - (3) Motor vehicle repair facility.
  - (4) Forestry.
  - (5) General service or contractor's shop.
  - (6) Research, testing, or experimental laboratory.
  - (7) Dwelling quarters for watchman or caretaker employed on the premises.
  - (8) Kennel

(b) The following uses are permitted by right, provided that public sewer and water service is available:

- (1) Laundry, dry cleaning or clothes pressing establishment.
- (2) Wholesale business establishment including wholesale bakery.
- (3) Research, testing, or experimental laboratory.

(c) The following accessory uses are permitted by right:

(1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

(1) Telephone central office.

(2) Utility substation.

(3) Outdoor place of amusement.

(4) Passenger terminal.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that sewer and water service is available:

(1) Manufacturing of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious stones, rubber, shells, textiles, tobacco and wood.

(2) Manufacturing of electrical appliances and supplies; small or hand tools; hardware; toys; jewelry; clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.

(3) Compounding of pharmaceutical products.

(4) Hospital.

(Ordinance No. 152, November 6, 2004, Section 11; as amended by Ordinance No. 195, July 11, 2009, Section 5)

Section 903. Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than three (3) acres.

(b) Lot Width. Every lot shall not be less than two hundred (200) feet in width at the building line.

(c) Floor-Area Ratio. The total floor area of the principal and accessory buildings, excluding any cellar area, shall not exceed fifty (50) percent of the lot area.

(d) Lot Area Ratio. Principal and accessory buildings shall not occupy more than twenty-five (25) percent of the lot area.

(e) Impervious Coverage. Not more than seventy-five (75) percent of the area of each lot may be occupied by impervious surface.

(f) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts of no less than seventy-five (75) feet in depth.

(g) Side Yards. There shall be two (2) side yards on each lot, neither of which shall be less than forty (40) feet in width, with an aggregate of no less than one hundred (100) feet.

(h) Rear Yard. There shall be a rear yard on each lot that shall be not less than fifty (50) feet in depth.

(i) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height.

(Ordinance No. 152, November 6, 2004, Section 11; as amended by Ordinance No. 172, January 2, 2007, Section 7)

Section 904. Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the L-1 District:

(a) Along Residential District boundary lines, a buffer yard shall be provided which shall be not less than one hundred (100) feet in width, measured from such boundary line or from the street line, where such street constitutes the district boundary line, and shall be in accordance with the provisions of Section 1609. Such buffer yard may be conterminous with any required yard in this District, and in case of any conflict, the larger yard requirement shall apply.

(b) Off-street parking and loading facilities shall be provided in accordance with Part 18.

(Ordinance No. 152, November 6, 2004, Section 11)

PART 10

L-2 Industrial District

Section 1001. Purpose. The purpose of the L-2 Industrial District is to permit and encourage light and heavier industrial development that will be harmonious with the overall pattern of physical development of the Township and that will contribute to the soundness of the economic base of the Township. (Ordinance No. 152, November 6, 2004, Section 12)

Section 1002. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Environmental Performance Standards set forth in Section 1621 of this Chapter, and with the applicable provisions of Part 17, Performance Standards:

- (a) The following uses are permitted by right:
  - (1) Research, testing, or experimental laboratory.
  - (2) Office.
  - (3) Building materials sales yard.
  - (4) Forestry.
  - (5) Governmental use.
  - (6) Motor vehicle service station.
  - (7) Motor vehicle repair facility.
  - (8) General service or contractor's shop.
  - (9) Dwelling quarters for watchman or caretaker employed on the premises.
  - (10) Warehouse Distribution Center.
  - (11) Kennel

(b) The following uses are permitted by right, provided that public sewer and water service is available:

- (1) Wholesale business establishment including wholesale bakery.
- (2) Laundry, dry cleaning or clothes pressing establishment.

(c) The following accessory uses are permitted by right:

- (1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

- (1) Telephone central office.
- (2) Utility substation.
- (3) Self-storage facility.
- (4) Passenger terminal.
- (5) Railroad station, engine house, ash pit, passenger facility and other related railroad operations.
- (6) Junk yard.
- (7) Communication tower/antenna.
- (8) Mining.
- (9) Warehousing.
- (10) Adult-oriented use.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that public sewer and water service is available:

- (1) Motor vehicle wash establishment.
- (2) Manufacturing of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious stones, rubber, shells, textiles and tobacco.

(3) Manufacturing of electrical appliances and supplies; small or hand tools; hardware; toys; jewelry; clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.

(4) Compounding of pharmaceutical products.

(5) Manufacturing/assembling.

(6) Commercial/Industrial park.

(7) Methadone treatment facility.

(8) Treatment Center.

(f) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that a privately owned central sewage treatment system is available:

(1) Milk or soft drink bottling establishment.

(2) Packing, processing and canning of meat, fish, and food products.

(3) Manufacture of nonalcoholic beverages.

(4) Laundry, dry cleaning, and dyeing plant.

(5) Metal and metal products treatment and processing, such as enameling, lacquering, galvanizing, electroplating, finishing, grinding, sharpening, polishing, cleaning, rust proofing, painting, and heat treating.

(Ordinance No. 152, November 6, 2004, Section 12; as amended by Ordinance No. 195, July 11, 2009, Section 6)

Section 1003. Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than five (5) acres.

(b) Lot Width. Every lot shall not be less than two hundred fifty (250) feet in width at the building line.



(c) Floor-Area Ratio. The total floor area of the principal and accessory buildings, excluding any cellar area, shall not exceed fifty (50) percent of the lot area.

(d) Lot Area Ratio. Principal and accessory buildings shall not occupy more than twenty-five (25) percent of the lot area, except for such buildings located within approved industrial parks, in which case principal and accessory buildings shall not occupy more than forty (40) percent of the lot area.

(e) Impervious Coverage. Not more than seventy-five (75) percent of the area of each lot may be covered by impervious surface.

(f) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts of no less than one hundred (100) feet in depth.

(g) Side Yards. There shall be two (2) side yards on each lot, neither of which shall be less than forty (40) feet in width, with an aggregate of no less than one hundred (100) feet.

(h) Rear Yard. There shall be a rear yard on each lot that shall be not less than seventy-five (75) feet in depth.

(i) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height.

(Ordinance No. 152, November 6, 2004, Section 12; as amended by Ordinance No. 172, January 2, 2007, Section 8)

Section 1004. Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the L-2 District:

(a) Along Residential District boundary lines, a buffer yard shall be provided which shall be not less than one hundred (100) feet in width, measured from such boundary line or from the street line, where such street constitutes the district boundary line, and shall be in accordance with the provisions of Section 1609. Such buffer yard may be conterminous with any required yard in this District, and in case of any conflict, the larger yard requirement shall apply.

(b) Off-street parking and loading facilities shall be provided in accordance with Part 18.

(Ordinance No. 152, November 6, 2004, Section 12)

PART 11

L-3 Educational Industrial District

Section 1101. Purpose. The purpose of the L-3 Educational Industrial District is to permit and encourage training in industrial and commercial skills in selected locations which will constitute a harmonious and appropriate part of the physical development of the Township and which will otherwise further the general purposes of the Chapter as set forth in Section 101. (Ordinance No. 122, July 2, 1998, Section 1100)

Section 1102. Procedural Requirements. Applications for permits pursuant to this Part shall be submitted in accordance with the requirements of Section 1611. All industrial and commercial uses of land within the District must be an integral part of the operation of an educational program, whether as a permitted use or by special exception. (Ordinance No. 122, July 2, 1998, Section 1101)

Section 1103. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Performance Standards set forth in Section 1612 of this Chapter:

- (a) Schools and educational related uses including residential use when specifically related to the educational use, except in Industrial Parks.
- (b) Industrial Park in accordance with Section 1616 of this Chapter.
- (c) Agricultural, horticultural or farm use in accordance with Section 302(b) of this Chapter.
- (d) Research, testing or experimental laboratory.
- (e) Executive or administrative office building.
- (f) Wholesale business establishment including wholesale dairy or bakery.
- (g) All industrial and commercial uses of land within the district must be an integral part of the operation of an educational program, whether as a permitted use or by special exception.
- (h) All sales of products and services must have been produced as a result of a work study program.

- (i) Dwelling quarters for watchman or caretaker employed on the premises.
- (j) Accessory use of the same lot with and customarily incidental to any of the above permitted uses, and including signs when erected and maintained in accordance with the provisions of Part 18 of this Chapter.
- (k) Forestry, as a use permitted by right.

(Ordinance No. 122, July 2, 1998, Section 1102; as amended by Ordinance No. 152, November 6, 2004, Section 6))

Section 1104. Uses Permitted by Special Exception.

- (a) Warehouse or yard for storage, sale and distribution of ice, coal, fuel oil, building materials or products of manufacturing uses permitted in this district.
- (b) Manufacture of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious. stones, rubber, shells, textiles, tobacco and wood.
- (c) Manufacture of electrical appliances and supplies; small or hand tools; hardware; toys; jewelry; clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.
- (d) Truck or hauling stations and public garage including the storage of refuse trucks provided the entire use is contained within a building.
- (e) Compounding of non-combustible pharmaceutical products.
- (f) Telephone central office or utility substation.
- (g) Any industrial use of the same general character as any of the above permitted uses except the following uses, or any use substantially similar thereto, which are specifically prohibited:
  - (1) Abattoir or stock yard.
  - (2) Chemical manufacture as follows: acetylene, aniline, dyes, ammonia; carbide, caustic soda; cellulose; chlorine, carbon black and bone black; cleaning and polishing preparations; creosote; exterminating agents;

hydrogen and oxygen; industrial alcohol; nitrating of cotton or other materials; nitrates of an explosive nature; potash; plastic materials and synthetic rosins; pyroxlin; rayon yarn; hydrochloric, picric or sulfuric acids and derivatives.

(3) Incineration or reduction of garbage, offal, and dead animals, except by municipal agencies on municipally owned lots, fat rendering.

(4) Leather and fur tanning, curing, finishing and dyeing.

(5) Junk, salvage or automobile wrecking yard.

(6) Manufacture of asphalt; charcoal and lampblack; coals, coke and tar products; explosives; fertilizer; glue; gelatin; ink; linoleum and oilcloth; matches; paint, varnishes and turpentine, rubber, caoutchouc, gutta percha (including processing); soap; starch; shoddy and waste products.

(7) The reduction, refining, smelting and allying of metal and metal ores.

(8) Refining of petroleum or petroleum products.

(9) Distillation of wood or bones.

(10) Reduction or processing of wood pulp or wood fibers.

(Ordinance No. 122, July 2, 1998, Section 1103; as amended by Ordinance No. 195, July 11, 2009, Section 7)

Section 1105. Area and Bulk Regulations.

(a) Lot Area and Width. Each lot shall have an area of not less than ten (10) acres, and a width of not less than two hundred fifty feet (250') feet at the building line.

(b) Floor-Area Ratio. The total floor area of principal and accessory buildings excluding cellar area, shall not exceed fifty percent (50%) of the lot area.

(c) Lot Area Ratio. Principal and accessory buildings shall occupy not more than twenty-five percent (25%) of the lot area. All structures including outdoor storage shall occupy not more than fifty percent (50%) of the lot area.

(d) Yard Requirements.

(1) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall be not less than seventy-five feet (75') in depth.

(2) Side and Rear Yards. There shall be two (2) side yards on each lot neither of which shall be less than twenty-five feet (25') in width with an aggregate of no less than one hundred feet (100'). There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(3) Buffer Yard. Along Residential District boundary lines, a buffer yard shall be provided which shall be not less than one hundred feet (100') feet in width, measured from such boundary line or from the street line, where such street constitutes the district boundary line, and shall be in accordance with the provisions of Section 1609. Such buffer yard may be conterminous with any required yard in this District, and in case of conflict, the larger yard requirement shall apply.

(e) Off-Street Parking and Loading Facilities shall be provided in accordance with the provisions of Part 18.

(f) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height.

(Ordinance No. 122, July 2, 1998, Section 1104; as amended by Ordinance No. 172, January 2, 2007, Section 9)

PART 12

OS Open Space Districts

Section 1201. Purpose. The purpose of the OS Open Space District is to protect the natural environment and preserve the ecological balance in areas of the Township which contain extensive tree cover, steep slopes, flood plains, wetlands and other natural features which would be destroyed by development; and to discourage residential, commercial and industrial uses in predominately undeveloped areas of the Township which are more suited for public outdoor use. (Ordinance No. 122, July 2, 1998, Section 1200)

Section 1202. Use Regulations. All buildings are prohibited and a lot may be used or occupied for any of the following uses and no other:

- (a) Production of agricultural and horticultural products.
- (b) Low intensity parks and outdoor recreation areas.
- (c) Access roads and parking areas.
- (d) Drainage ways, water ponds and other related drainage facilities used for recreation.

(Ordinance No. 122, July 2, 1998, Section 1201)

PART 13

A Agricultural Districts

Section 1301. Purpose and Intent. The purpose of Agricultural Districts is to protect and preserve land for agricultural purposes. The Districts are composed of areas used predominantly for agriculture and areas where agricultural conservation easements have been established. (Ordinance No. 122, July 2, 1998, Section 1300)

Section 1302. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- (a) Single-family detached dwelling.
  - (b) Farm and accessory farm buildings including a greenhouse, provided that any building used for keeping or raising livestock or poultry shall be situated not less than one hundred feet (100') from any street line, proposed street line or dwelling other than the owner's dwelling and not less than fifty feet (50') from any other property line.
  - (c) Roadside stand for the sale of farm or nursery products, seventy-five percent (75%) of which are produced on the property where offered for sale, provided (1) any stand shall be situated not less than fifteen feet (15') from any street line or proposed street line, and (2) that any such stand shall be removed or kept in good condition during seasons when products are not being offered for sale.
  - (d) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
  - (e) Home occupations as defined, when conducted in accordance with the provisions of Section 1613.
  - (f) Telephone office or utility substation when authorized as a special exception.
  - (g) Forestry, as a use permitted by right.
  - (h) No-impact Home-based Business as a use permitted by right.
  - (i) Kennel
- (Ordinance No. 122, July 2, 1998, Section 1301; as amended by Ordinance No. 152, November 6, 2004, Section 7; as further amended by Ordinance No. 195, July 11, 2009, Section 8)

Section 1303. Area Regulations.

(a) Lot Area and Width. A lot area of not less than fifty-two (52) acres, with a width of not less than one hundred seventy-five feet (175') at the building line, shall be provided for each dwelling and for every other principal use or building permitted in this District.

(b) Building Area. Not more than ten percent (10%) of the area of any lot shall be occupied buildings.

(c) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall have a depth of not less than sixty feet (60').

(d) Side Yards. There shall be two (2) side yards on each lot neither of which shall be less than forty feet (40') in width with an aggregate of ninety feet (90').

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(f) Height Regulations. The height of any building shall not exceed fifty feet (50') in the case of agricultural buildings, eighty feet (80') for silos and thirty-five feet (35') for any other building.

(Ordinance No. 122, July 2, 1998, Section 1302)



PART 14

A-2 Intensive Agriculture District

Section 1401. Purpose and Intent. The purpose of the Intensive Agricultural District is to provide land to be utilized for intensive type agricultural purposes. The District is composed of areas used predominantly for intensive agricultural activities allowing for more concentrated agricultural use. (Ordinance No. 143, October 9, 2002, Section 13)

Section 1402. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- (a) Single-family detached dwelling, provided that such use is related to the intensive agricultural use and shall not be subdivided from the parent tract.
- (b) Intensive Agriculture, General Agriculture, and processing of Farm Products in accordance with Section 1619(c), provided that any building used for keeping or raising livestock or poultry shall be situated not less than one hundred feet (100') from any street line, proposed street line or dwelling other than the owner's dwelling and not less than fifty feet (50') from any other property line.
- (c) Roadside stand for the sale of farm or nursery products, seventy-five percent (75%) of which are produced on the property where offered for sale, provided (1) any stand shall be situated not less than fifteen feet (15') from any street line or proposed street line, (2) that any such stand shall be removed or kept in good condition during seasons when products are not being offered for sale, and (3) that sufficient off-street space be provided to allow for parking and maneuvering vehicles without the need to back vehicles onto a street or road .
- (d) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
- (e) Home occupations as defined, when conducted in accordance with the provisions of Section 1613.
- (f) Telephone office or utility substation when authorized as a special exception.
- (g) Forestry, as a use permitted by right.
- (h) No-impact Home-Based Business as a use permitted by right.
- (i) Kennel.

(Ordinance No. 143, October 9, 2002, Section 13; as amended by Ordinance No. 152, November 6, 2004, Section 8; as further amended by Ordinance No. 195, July 11, 2009, Section 9)

Section 1403. Area Regulations.

(a) Lot Area and Width. A lot area of not less than twenty-five (25) acres, with a width of not less than one hundred seventy-five feet (175') at the building line, shall be provided for each dwelling and for every principal use or building permitted in this District, in the event multiple principal uses are permitted upon a lot, each such use shall require at least twenty-five (25) acres.

(b) Building Area. Not more than ten percent (10%) of the area of any lot shall be occupied buildings.

(c) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall have a depth of not less than sixty feet (60').

(d) Side Yards. There shall be two (2) side yards on each lot neither of which shall be less than forty feet (40') in width with an aggregate of ninety feet (90').

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(f) Height Regulations. The height of any building shall not exceed fifty feet (50') in the case of agricultural buildings, eighty feet (80') for silos and thirty-five feet (35') for any other building.

(g) Additional Setback Requirement. All intensive agricultural uses shall be located not less than three hundred feet (300') from the boundary of any other non-agricultural zoning district or five hundred feet (500') from any residential dwelling, unless permitted within the scope of the nutrient management plan.

(Ordinance No. 143, October 9, 2002, Section 13)

Section 1404. Intensive Agricultural Standards.

(a) Unless specifically stipulated within this Chapter, intensive agricultural activities are a permitted use by right within the A-2 Intensive Agriculture District. Intensive agricultural activities shall be prohibited in all other Zoning Districts.

(b) All of the regulations and restrictions of Section 1619 of this Chapter apply to agricultural activities within the A-2 Intensive Agriculture District except as noted below.

(c) Large and small domestic animal operations as described in Section 1619 of this Chapter are permitted in accordance with the following table:

<u>No. of Acres</u>	<u>Animal Units Per Acre*</u> <u>(1 Animal Unit = 1,000 Lbs.)</u>
More than 1 but less than and up to and including 25	2.0 (2,000 lbs./acre)
More than 25	4.0 (4,000 lbs./acre)

(d) Any combination of large and small domestic animal operations per permitted use, but in no instance shall any combination exceed the animal units/acre in the chart in Subsection (c) above (example: a tract of 5 acres can have a combination of large and/or small animals which does not exceed 10,000 pounds which is equal to 5 (acres) x 2,000 (pounds) = 10,000 pounds

\*The animal/units as stated above are permitted only if all other criteria of this Section are met.

(e) Any concentration of swine equal to or greater than 1,000 lbs./acre shall be considered an intensive agricultural use and shall be limited to those lands of twenty-five (25) acres or more and is subject to Part 14 of this Chapter.

(f) All areas utilized for grazing purposes shall be completely fenced in.

(1) The fence setback requirements of Section 1619(e)(2) and 1619(f)(2) do not apply to the general agricultural standards in the A-2 District.

(g) The production, processing or cultivation of mushrooms shall be construed as an intensive agricultural activity and will be considered a use permitted by right subject to the following:

(1) Mushroom houses and complexes will be allowed as a use by right up to fifty thousand (50,000) square feet total gross building space for growing. Any use including more than fifty thousand (50,000) square feet of mushroom house space will be permitted only by special exception.

(2) Mushroom houses as allowed in Subsection (1) above will be operated under the guidelines as set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community", draft of December, 1996, as may be amended, revised or adopted, which is incorporated herein by reference thereto.

(3) Mushroom industry housing for workers will not be allowed except permitted as a single-family residence as regulated by this Chapter.

(h) Piggeries and mink farms shall be construed as an intensive agricultural activity.

(i) A nutrient management plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed intensive agricultural uses, for all operations exceeding 2AEU, or as required by the Pennsylvania Nutrient Management Act. A copy of the approved nutrient management plan shall be submitted to the Township.

(j) A stormwater management plan shall be prepared pursuant to the Township Subdivision and Land Development Ordinance and approved by the Township Engineer for all proposed intensive agricultural uses.

(k) No construction or other improvements required to support intensive agricultural activities shall be permitted except pursuant to an approved land development plan.

(l) An erosion and sediment pollution control plan shall be prepared for and approved by the Berks County Conservation District for all proposed intensive agricultural uses. A copy of the approved erosion and sediment pollution control plan shall be submitted to the Township.

(m) A conservation plan shall be prepared and approved by the Berks County Conservation District for all proposed intensive agricultural uses. The approved conservation plan shall be submitted to the Township.

(n) A landscaping and buffer yard plan shall be prepared for and approved by the Township pursuant to Section 1609 of this Chapter and such rules and regulations as may be adopted for all proposed intensive agricultural uses.

(o) Solid and liquid wastes, including but not limited to offal, shall be disposed of in a manner that will avoid creating insect or rodent problems and will be consistent with the nutrient management plan.

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(p) Persons engaged in intensive agriculture shall prepare an odor abatement plan which shall be reviewed by the Penn State Extension Service of Berks County and approved by the Township Supervisors.

(q) No discharges of liquid wastes and/or sewage, including but not limited to offal, shall be permitted into a reservoir, sanitary sewer or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with any permits approved by the applicable local, state and/or federal regulatory agencies.

(r) Any and all intensive agricultural uses and activities shall be reviewed and/or permitted by the Township, the Berks County Conservation District, the Berks County Cooperative Extension, and any and all applicable Federal and State regulatory agencies prior to the commencement of any activities associated with said use.

(Ordinance No. 143, October 9, 2002, Section 13)

PART 15

Flood Plain Controls

Section 1501. Purpose. To provide certain land use and control measures in accordance with criteria and requirements of Section 60.3(d) of the National Flood Insurance Program Regulations issued by the United States Federal Emergency Management Agency. (Ordinance No. 122, July 2, 1998, Section 1400)

Section 1502. Areas Affected. All areas identified as the one hundred (100) year flood boundary and floodway adjacent to the Schuylkill River and tributaries thereto within the Township of Tilden and as shown on the Federal Insurance Administration Flood Boundary and Floodway Map Community Panel No. 4211120001-0010 and Flood Insurance Rate Map Community Panel No. 42111200010B. (Ordinance No. 122, July 2, 1998, Section 1401)

Section 1503. Procedural Requirements. The Zoning Officer shall review all applications for zoning permits to ensure compliance with the Townships Flood Plain requirements as set forth in the Flood Plain Management Chapter, as may be amended from time to time. (Ordinance No. 122, July 2, 1998, Section 1402)

Section 1504. Use Regulations. All areas designated as flood plain within the meaning of Section 1502 shall be governed by the regulations applicable to the various zoning districts of this Chapter, insofar as the same relates to Permitted Uses, Area, Yard and Height Regulations together with General Regulations applicable to said zoning districts. (Ordinance No. 122, July 2, 1998, Section 1403)

PART 16

General Regulations

Section 1601. Building Height Regulations. No building in the Township, other than a farm building, shall exceed thirty-five feet (35') or two (2) stories in height, measured from the lowest exposed part of the building as determined by the complete perimeter. (Ordinance No. 122, July 2, 1998, Section 1500; as amended by Ordinance No. 172, January 2, 2007, Section 10)

Section 1602. Conversion of Building to Two-Family Use. The Zoning Hearing Board may authorize as a special exception the conversion of any main building into a dwelling for not more than two (2) families, provided that (a) the lot area per family shall not be reduced to less than the lot area per family for the district in which such lot is situated, (b) the yard, building area and other applicable requirements for the district shall not be reduced, (c) provisions for adequate water supply and waste disposal shall be made in accordance with the requirements of the Pennsylvania Department of Environmental Resources, and (d) such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single-family dwelling or other conforming use. If such conversion is authorized, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate. (Ordinance No. 122, July 2, 1998, Section 1501)

Section 1603. Non-Conforming Building or Use.

(a) Continuation. Any lawful use of a building, land or signs existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.

(b) Extension.

(1) A building which does not conform with the setback, yard or building height regulations of the district in which it is located may be extended, provided that the extension conforms with such setback, yard and building height regulations, and with all other regulations set forth in this section and other applicable sections of this Chapter.

(2) The extension of a non-conforming use of a building or of a lot may be permitted when authorized as a special exception by the Zoning Hearing Board provided that:

(i) The area of the non-conforming use shall be increased by not more than fifty percent (50%) of the area occupied by such use

at the time it became non-conforming.

(ii) The proposed extension shall take place only upon the lot or lots held in single and separate ownership at the time the use became non-conforming.

(iii) The proposed extension shall conform with the area and building height regulations of the district in which it is located.

(iv) The non-conforming use as extended shall comply with the off-street parking requirements set forth in Part 18 of this Chapter.

(v) The non-conforming use shall comply with the buffer requirements of the district in which the non-conforming use is a permitted use to the extent prescribed by the Zoning Hearing Board.

(vi) Any lot or use that was non-conforming prior to the adoption of this Chapter shall not be increased by more than fifty percent (50%) of the area occupied by such use as of the date of this Chapter.

(3) A dwelling which lawfully does not conform with the set-back or yard regulations of the district in which it is located may be extended, provided that the extension will not extend farther into the front yard, side yard or rear yard than the existing non-conforming dwelling and the proposed use or function of the extension is substantially identical with the use or function of the non-conforming portion of the dwelling.

(c) Changes.

(1) When authorized by the Zoning Hearing Board as a special exception, a non-conforming use of a building or land may be changed to another non-conforming use, provided that:

(i) The new non-conforming use shall be a permitted use in the zoning district in which the original non-conforming use is listed as a permitted use.

(ii) In the event that the original non-conforming use is listed as a permitted use in more than one (1) zoning district, the new non-conforming use shall be one that is permitted in the most restrictive of such zoning districts. For the purposes of this Section, the order of classification of districts from the more restrictive to the



less restrictive shall be as follows:

- OS Open Space Districts
- A Agricultural Districts
- R-1 Rural Residential Districts
- R-2 Residential Districts
- R-3 Residential Districts
- R-4 Multi-Family Residential Districts
- C-1 Neighborhood Commercial Districts
- C-2 Highway Commercial Districts
- L-3 Educational Industrial Districts
- L-1 Limited Industrial Districts
- L-2 Industrial Districts

(iii) Off-street parking shall be provided for the new non-conforming use in accordance with the provisions of Part18.

(2) Any change in use of a non-conforming use of a building or land which is not listed as a permitted use in any zoning district, shall be made only to a permitted use for the district in which it is located.

(3) Whenever a non-conforming use of a building or land has changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

(d) Restoration. A non-conforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same non-conforming use, provided that building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption. The constructed building shall not exceed in height, area and volume the building partially destroyed or condemned.

(e) Abandonment. If non-conforming use of a building or land ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.

(Ordinance No. 122, July 2, 1998, Section 1502; as amended by Ordinance No. 195, July 11, 2009, Section 10)

Section 1604. Non-conforming Lots.

(a) Lots Held in Single and Separate Ownership. A building may be

erected or altered on any lot held at the effective date of this Chapter in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided plans for the proposed work shall be approved by the Zoning Hearing Board by special exception. Condition for approval of such special exception shall include assurance of compliance otherwise with use regulations, height regulations, building area regulations, other applicable zoning restrictions, proof that deviations from front yard, side yard and rear yard requirements will be limited to the extent feasible, that such non-conformance 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. Otherwise, any such special exception will be considered and determined in accordance with Section 2120 of this Chapter.

(b) Lots Included in Approved Plans. Buildings may be erected on lots which are not held in single and separate ownership at the effective date of this Chapter and which are not of the required minimum area or width, or on which the required open spaces cannot easily be provided, if such lots are included in a recorded subdivision plan or in the process of building development at the effective date of this Chapter by and approved prior to the effective date of this Chapter by the Board of Township Supervisors or the County Planning Commission, provided that the exception from the minimum Area Regulation shall expire five (5) years from the effective date of this Chapter, unless extended prior to the expiration date by a resolution of the Board of Supervisors for additional terms of one (1) year upon application by the owner.

(Ordinance No. 122, July 2, 1998, Section 1503)

Section 1605. Reduction of Lot. No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed. (Ordinance No. 122, July 2, 1998, Section 1504)

Section 1606. Vision Obstruction. On any corner lot, no wall, fence or other structure shall be erected or altered, and no tree, hedge, shrub or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear-sight triangle of twenty-five feet (25'), measured along the street lines of intersecting streets, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two feet (2') above the street grade. (Ordinance No. 122, July 2, 1998, Section 1505)

Section 1607. Street Obstruction. The erection of fences, walls, shrubs, trees or signs; other than official traffic or street name signs; and any other obstructions shall be

prohibited within the right-of-way of any street. (Ordinance No. 122, July 2, 1998, Section 1506)

Section 1608. Exemption from Front Yard Requirements. The front yards of proposed buildings in R-1, R-2 and R-3 Districts may be decreased in depth below the minimum setbacks in certain instances in accordance with the following requirements. Where the principal buildings on both sides and within sixty feet (60') of the proposed building are less than the setback requirements, the setback line of the proposed building may be reduced below that required, but shall be at least ten feet (10') further back from the street line than the setback of the non-conforming building nearest to the street. (Ordinance No. 122, July 2, 1998, Section 1507)

Section 1609. Buffer Yards. Where buffer yards are required by the terms of this Chapter, they shall be provided in accordance with the following standards:

(a) In all buffer yards, the exterior fifty (50) feet of width shall be planted with an all-season ground cover and shall be maintained and kept clean of all debris and rubbish.

(b) No structure, manufacturing or processing activity, sewage system, or storage of materials shall be permitted in the buffer yard. However, parking of motor vehicles may be permitted in the portion of the buffer yard exclusive of the exterior fifty (50) feet width.

(c) All buffer yards shall include a fence or a dense screen the full length of the lot to serve as a barrier to visibility, air borne particles, glare, and noise. Such fence or screen planting shall be located within the exterior fifty (50) feet of the buffer yard and shall be in accordance with the following requirements:

(1) Plant materials used in the screen planting shall be such species and sizes that will produce, within three (3) years, a year-round visual screen of at least seven (7) feet in height.

(2) A fence, when erected as a screen, shall be not less than eight (8) feet in height and shall be placed no closer than three (3) feet from any street or property line.

(3) The screen planting shall be maintained permanently, and any plant material that does not live shall be replaced within one (1) year.

(4) The screen planting shall be so placed that, at maturity, it will be no closer than three (3) feet from any street or property line.

(5) The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

(6) A clear-sight triangle shall be maintained at all street intersections and at all points where commercial or industrial accessways intersect public streets. Such triangles shall be established by measuring seventy-five (75) feet from the point of intersections of centerlines, except for any intersections with arterial streets, in which case the triangles are established by measuring one hundred fifty (150) feet.

(7) Plant materials used in the screen planting shall be approved by the Zoning Officer.

(d) No screen planting shall be required for uses along streets which form district boundary lines when such uses are approved as special exceptions by the Zoning Hearing Board, provided that

(1) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from an adjacent Residential District or a residential use.

(2) Only the front of any proposed building shall be visible from an adjacent Residential District or a residential district. The Zoning Officer shall determine which side of any building shall be considered the front.

(3) The Zoning Officer shall determine if screen planting along the street or streets is not necessary for the protection of any adjacent Residential District or a residential use.

(e) Prior to the issuance of any zoning permit, the Township Planning Commission shall approve complete plans that show the arrangement of all buffer yards and the placement, species, and size of all plant materials to be placed within such buffer yards. The Township Planning Commission shall certify to the Zoning Officer that the plans are in conformance with the terms of this Chapter.

(Ordinance No. 122, July 2, 1998, Section 1508; as amended and restated in its entirety by Ordinance No. 152, November 6, 2004, Section 13)

Section 1610. Wastes and Sewage Disposal. All methods and plans for the on-lot disposal of sewage or wastes shall be submitted to the Township Sewage Disposal Officer and shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Pennsylvania Department of Environmental Resources shall be a prerequisite to the

issuance of a zoning permit. (Ordinance No. 122, July 2, 1998, Section 1509)

Section 1611. (Reserved for Future Use).

(Ordinance No. 122, July 2, 1998, Section 1510; amended by Ordinance No. 195, July 11, 2009, Section 11)

Section 1612. Environmental Performance Standards. All uses in all districts shall be in conformity with the following standards.

(a) No land, building, structure, or premises shall be used, altered, or occupied in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable conditions.

(b) The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens, and similar matter, or any combination thereof, which can cause any damage to human or animal health, to vegetation or to property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission, is prohibited.

(c) Standards concerning such emissions shall be in accord with the rules and regulations of the Commonwealth of Pennsylvania or any applicable Township ordinance, whichever is more restrictive.

(d) Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.

(e) No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

(f) Every use requiring power shall be so operated that the service lines, substation, or other facilities shall conform to the highest safety requirements. Such use shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard, and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such use.

(g) The following shall apply to the storage of materials and the disposal of materials:

(1) No highly flammable or explosive liquids, solids, or gases shall

be stored in bulk above ground except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.

(2) All outdoor storage facilities for fuel, raw materials, and products and all fuel, raw materials, and products stored outdoors shall be enclosed by an approved safety fence.

(3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.

(4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(5) All trash and rubbish shall be stored in vermin-proof containers with tight-fitting lids. Where storage areas for trash and rubbish are required, they shall be completely screened. All garbage and similar organic rubbish shall be stored within airtight, vermin-proof containers until such waste material is collected.

(Ordinance No. 122, July 2, 1998, Section 1511; as amended and restated in its entirety by Ordinance No. 152, November 6, 2004, Section 15)

Section 1613. Standards for Home Occupations In Residential Districts.

(a) The area devoted to a permitted home occupation shall be located either within the operators dwelling or a building accessory hereto.

(b) The floor area devoted to such home occupation or studio shall be equivalent to not more than twenty-five percent (25%) of the floor area covered by the operators dwelling, excluding the ground area covered by an attached garage or such other similar building.

(c) Persons engaged in such use shall be limited to the members of the household of the operator plus one (1) additional person.

(d) No goods shall be publicly displayed.

(e) No external alterations shall be made which involve construction features not customary in dwellings.

(f) No signs shall be permitted, except an accessory use sign in accordance with the provisions of Part 19.

(g) Off-street parking shall be provided in accordance with provisions of Part 18.

(Ordinance No. 122, July 2, 1998, Section 1512)

Section 1614. Standards for Accessory Professional Office Use In Residential Districts.

(a) The area devoted to a permitted professional office use shall be located within either the practitioners dwelling or a building accessory thereto.

(b) The floor area devoted to such professional use shall be equivalent to not more than fifty percent (50%) of the ground area covered by an attached garage or such other similar building.

(c) Not more than two (2) employees, assistants or associates, at any time, in addition to the resident practitioner, shall be employed on the premises.

(d) Off-street parking shall be provided in accordance with the provisions of Section 1801, Part 18.

(e) No external alterations shall be made which involve construction features not customary in dwellings.

(f) No signs shall be permitted, except an accessory use sign in, accordance with the provisions of Part 19.

(Ordinance No. 122, July 2, 1998, Section 1513)

Section 1615. Swimming Pool Standards.

(a) No private swimming pool, including filters and other mechanical equipment, shall be allowed within the front yard. Pool, filters and equipment shall not be located within twenty feet (20') of the side property lines.

(b) A dense planting of trees and shrubs shall be established and maintained between the pool and all property lines to protect the adjoining properties from noise arising from mechanical equipment and activities in and around the pool. This requirement is not applicable in the R-1 and R-2 Zoning Districts.

(c) Any floodlights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.

(Ordinance No. 122, July 2, 1998, Section 1514; as amended by Ordinance No. 195, July 11, 2009, Section 12)

Section 1616. Standards for Industrial Parks.

(a) Permitted Uses.

(1) Commercial/industrial park developments shall consist of harmonious land uses and related services.

(2) Permitted uses shall include offices, laboratories and research, light manufacturing, printing and publishing, warehouse, wholesale and distribution, and accessory uses associated with commercial/industrial parks.

(3) Retail business and service establishments are permitted provided they are designed and intended primarily to serve the employees within the park. These uses shall not exceed five (5) percent of the gross floor area of the park.

(b) Commercial/Industrial Park Master Plan

(1) All commercial/industrial park developments shall take place in accordance with a Master Plan, to be submitted by the developer at the time of filing the preliminary subdivision or land development application with the Township.

(2) At a minimum, the Master Plan shall include the following:

(i) the location of all buildings lots and potential building sites.

(ii) an interior driveway system.



(iii) an overall landscaping plan, designed, signed, and sealed by a landscape architect.

(3) The Master Plan shall provide verification that it is in compliance with the Performance Standards in this Chapter.

(c) Site Requirements.

(1) Each commercial/industrial park shall have an area of not less than ten (10) acres. Individual lots within the park limits shall be not less than one and one-half (1.5) acres.

(2) The site shall have a minimum continuous street frontage of two hundred fifty (250) feet. The required minimum frontage shall be along an arterial or collector street.

(d) Design Requirements.

(1) Principal and accessory buildings shall occupy not more than forty (40) percent of the lot area.

(2) The maximum impervious surface shall be sixty (60) percent of the lot area.

(3) The minimum setback from a street right-of-way line shall be eighty (80) feet.

(4) No building or structure shall be located within forty (40) feet of any exterior property line of the site.

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

(e) Access.

(1) A common interior driveway shall be used for access to the individual lots. Direct access to the individual lots from an existing public road is prohibited.

(2) Buildings shall be setback from the nearest cartway edge of the interior driveway at least twenty-five (25) feet.

(3) All interior driveways shall have curbs and shall have a minimum paved width of thirty-four (34) feet.

(4) The interior driveway shall be constructed with a base of six (6) inches of Type 2A aggregate for the full width of roadway, six (6) inches of a bituminous base course, and one and one-half (1½) inches of a bituminous wearing course, ID-2. All materials and workmanship shall be in accordance with the latest specifications of the PA Department of Transportation.

(f) Signs.

(1) Signs shall be allowed and shall be erected in accordance with Part 19 of this Chapter.

(g) Off-street Parking.

(1) The design of off-street parking and loading areas shall meet the requirements of Part 18 of this Chapter as it pertains to commercial and industrial uses. The number of spaces provided shall be calculated for each individual use within the park.

(2) All off-street parking and loading areas and outside storage areas shall be located to the rear or side of buildings.

(3) Parking on an interior driveway or along any public street adjacent to a commercial/ industrial park is prohibited.

(4) Curbing shall be provided within all off-street parking and loading areas of a commercial/industrial park.

(h) Sidewalks. Sidewalks shall be provided along interior drives, along the perimeter of off-street parking areas, and within the park as pedestrian connections between uses.

(i) Buffer Yards. The requirements of Section 1609 shall pertain to the exterior boundaries of a commercial/industrial park.

(j) Sewage. All lots within the limits of a commercial/industrial park shall be served by a central sewage treatment facility meeting the current regulations of the PA Department of Environmental Protection.

(k) Water. All lots within the limits of a commercial/industrial park shall be served by a central water system meeting the current regulations of the PA Department of Environmental Protection. The water distribution system shall provide for fire hydrants and adequate water pressure for fire protection purposes,

in accordance with the applicable National and State standards.

(l) Lighting. All lighting for buildings, signs, accessways, and parking areas shall be arranged so that they do not reflect upwards or towards any public street or adjacent uses.

(m) Solid Waste. All trash and rubbish shall be stored in vermin-proof containers with tight-fitting lids. Where storage areas for trash and rubbish are required, they shall be provided with a complete visual screen. No such storage area shall be located within thirty (30) feet of any lot line. All garbage and similar organic rubbish shall be stored within airtight, leak-proof, and vermin-proof containers until such waste material is collected. No such waste material shall remain on-site for more than forty-eight (48) hours.

(Ordinance No. 122, July 2, 1998, Section 1515; as amended by Ordinance No. 143, October 9, 2002, Sections 10 and 11; as amended and restated in its entirety by Ordinance No. 152, November 6, 2004, Section 14; as further amended by Ordinance No. 172, January 2, 2007, Section 11)

Section 1617. Regulations Pertaining to Private Antennas (Except Telecommunication Antennas).

(a) Antenna Height. The antenna height shall not exceed eighty (80) feet above ground level, unless approved by special exception granted by the Zoning Hearing Board, in which case the antenna height shall not exceed one hundred fifty (150) feet above ground level. Among other things, when considering the special exception, the Zoning Hearing Board shall ensure that any antenna exceeding eighty (80) feet height above ground level will be constructed to ensure its ability to sustain winds of up to eighty (80) mph and gusts up to one hundred twenty five (125) mph and so that the antenna will not pose a threat to the health and safety of persons and will not pose a danger to neighboring properties.

(b) Setbacks From Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure on a building), the minimum distances between the base of the support structure or any guy-wire anchors and any property line or right-of-way line shall be the largest of the following:

(1) Fifty percent (50%) of antenna height; or

(2) The minimum front yard setback in the underlying zoning district.

(Ordinance No. 143, October 9, 2002, Section 7)

Section 1618. Conduct of Agricultural Activities. Agricultural activities are permitted by right to be conducted within the R-1, R-2, R-3, L-1, L-2, L-3, OS, A and A-2 Zoning Districts within the Township and may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential use due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all of the requirements of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring property owners. (Ordinance No. 143, October 9, 2002, Section 14)

Section 1619. General Agricultural Standards for the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts.

(a) It is the intent of these requirements that agricultural activities in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts be regulated for the purpose of protecting the public health, safety and welfare.

(b) Unless otherwise stipulated within this Chapter, General Agricultural activities/uses as described below are permitted by right in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts. Intensive agricultural activities are allowed only within the A-2 Intensive Agriculture District.

(c) Processing of farm products for sale, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised is permitted by right.

(d) Signs displaying information for the sale of farm products are permitted, subject to Part 19 of this Chapter.

(e) Certain small domestic animal operations are permitted by right provided the following conditions are met (for purposes of this Subsection, small domestic animals shall include animals such as rabbits, guinea pigs and chinchilla; and fowl such as chickens, turkeys, geese, ducks and pigeons):

(1) The area within which small domestic animals are kept shall be enclosed by a fence designed for containment.

(2) Such fence shall be at least ten feet (10') from any lot line and not closer than fifty feet (50') to the nearest dwelling other than that of the owner.

(3) The area within which small domestic animals are maintained

shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

(4) The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

(f) Certain large domestic animal operations are permitted provided the following conditions are met. For purposes of this Subsection, large domestic animals shall include animals of the bovine, equine, swine and sheep families.

(1) The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.

(2) No building, corral, fence or stable shall be closer than one hundred feet (100') to the nearest dwelling other than that of the owner.

(3) The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two (2) acres in area and shall not be allowed to degrade to an erodible condition.

(4) The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

(g) Large and small domestic animal operations are permitted in accordance with the following table:

<u>No. of Acres</u>	<u>Animal Units Per Acre</u> <u>(1 Animal Unit = 1,000 Lbs.)</u>
More than 1 but less than 10	0.5 ( 500 lbs./acre)
10 but less than 25	1.0 (1,000 lbs./acre)
25 but less than 100	1.5 (1,500 lbs./acre)
More than 100	2.0 (2,000 lbs./acre)

(h) Any combination of large and/or small domestic operations except as noted below are permitted, but in no instance shall any combination exceed the animal units/acre in the chart in Subsection (g) above. The standard weight for each type animal and the method of calculating animal units shall be in accordance with 25 PA. Code Subchapter 83.262 as most recently amended, or such other statutory or regulatory provisions issued by the Commonwealth of Pennsylvania from time to time.

The animal units/acre are permitted if all other criteria of this Section are met.

(i) Any concentration of swine equal to or greater than 1,000 lbs/acre shall be considered an intensive agricultural use and is not permitted in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts.

(j) All large and small domestic animal operations are subject to Part 15, Flood Plain Controls; all other sections of this Chapter as applicable; any and all ordinances adopted by the Township; and all county, state and federal regulations as they apply to these operations.

(k) All areas utilized for grazing purposes shall be completely fenced in.

(l) No slaughter area, spent mushroom compost storage area, manure storage area, or structure designed or designated for the raising of pigs shall be established closer than one hundred feet (100') to any lot line.

(m) Any building erected for agricultural uses in the A, R-1, R-2, R-2, L-1, L-2, L-3 and OS Zoning Districts must meet all the setback requirements of the respective Zoning Districts as well as any other setback requirement set forth in this Chapter.

(Ordinance No. 143, October 9, 2002, Section 14)

PART 17

PERFORMANCE STANDARDS

Section 1701. Purpose. In addition to all other requirements of this Chapter, the following performance standards shall apply to specific uses permitted in the various zoning districts. (Ordinance No. 152, November 6, 2004, Section 17)

Section 1702. Accessory Buildings/Structures.

(a) No accessory building or structure, unless it is structurally a part of the main building, shall be erected, altered, or moved to a location within five (5) feet of the nearest wall of the main building.

(b) An accessory building or structure shall not be within the required front yard on the lot, except it may be located to within three (3) feet of any property line in the required rear or side yard unless otherwise specified herein, provided such accessory building or structure shall not exceed twenty (20) feet in height.

(c) No accessory building located in the rear yard of a corner lot shall be nearer to a side street lot line than the required depth of the front yard or a distance of forty (40) percent of the lot width, whichever is less.

(d) Residential fences, retaining walls, vegetation, bushes and shrubbery shall be permitted in the required front yard provided they do not extend into the street right-of-way nor obstruct the clear sight triangle at the intersection of streets and driveways as required by Sections 1606 and 1607 of this Chapter.

(e) Residential fences and retaining walls shall be permitted in the required rear yard or side yard to a distance of not less than six (6) inches of a property line, unless a recorded Agreement is entered into with the adjoining property owner to place the fence or wall on the property line.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 195, July 11, 2009, Section 13)

Section 1703. Adult-Oriented Uses.

(a) Includes adult bookstores, adult movie theaters, and cabarets.

(b) No such store, theater, or cabaret shall be established within one thousand (1,000) lineal feet of an existing adult bookstore, adult movie theater, cabaret, place of worship, school, game room, or institution for human care.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1704. Bed and Breakfast Inns.

- (a) All bed and breakfast units shall be contained within the principal structure.
- (b) The principal structure shall contain a minimum of two thousand (2,000) square feet of gross floor area.
- (c) No more than one (1) bed and breakfast unit shall be provided for each seven hundred (700) square feet of gross floor area in the principal structure.
- (d) One (1) off-street parking space shall be provided for each bed and breakfast unit.
- (e) Dining or other eating facilities shall not be open to the public but shall be exclusively for the residents and registered bed and breakfast guests.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1705. Building Materials Sales Yards.

- (a) The area used for such use shall be enclosed and suitably screened from the surrounding area by fence or other barrier not less than six (6) feet high.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1706. Businesses.

- (a) No merchandise shall be displayed for sale in the open, other than that normally displayed at building materials sales yards, nurseries, commercial greenhouses, motor vehicle sales establishments, and junk yards.
- (b) Light emanating from any source on the property shall not be greater than two (2) footcandles measured at a height of three (3) feet at the property line.
- (c) Waste material shall not be stored on the lot outside a building, unless it is in a sturdy, closed, vermin-proof container.
- (d) All off-street parking and loading facilities shall be screened from view from adjacent residential districts and uses, in accordance with the provisions of this



Chapter.

(e) Off-street loading facilities shall not be permitted in the area between the building setback line and the street line.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1707. Cemeteries.

(a) Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.

(b) The minimum lot size is one (1) acre.

(c) A planted buffer strip shall be provided when a cemetery abuts an existing residential use or a residential district and shall be in accordance with the standards for such, as contained in this Chapter.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1708. Clubs, Lodges, and Social Buildings.

(a) The proposed use must be principally for the recreation and enjoyment of the members and their guests and shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood.

(b) Buildings shall be located at least eighty (80) feet from any lot line or existing street right-of-way line.

(c) The maximum building coverage shall be twenty-five (25) percent.

(d) Outdoor use areas shall be screened to protect the neighborhood from any possible noise and shall be located no closer to any lot line than the required front yard setback.

(e) Design of any structures erected in connection with such use shall be in keeping with the general character of the area.

(f) Buffer strips are to be provided, as required by this Chapter.

(g) Exterior lighting, other than that required for the safety and convenience of the users, shall be prohibited. All essential exterior lighting shall be shielded from view from surrounding streets and properties.

(h) The use of outdoor public address systems for any purpose shall be approved by the Zoning Hearing Board.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1709. Communication Towers/ Antennas.

(a) Such facilities shall be set back a distance equal to twice its height from a lot line of an existing dwelling on another lot, and set back a distance equal to its height from all other lot lines and street rights-of-ways.

(b) A tower/antenna attached to the ground shall be surrounded by a security fence and gate with a minimum height of six (6) feet and evergreen plantings or preserved vegetation with an initial minimum height of four (4) feet.

(c) The tower/antenna may be on leased land.

(d) The applicant shall provide a written statement sealed by a professional engineer stating that the tower/antenna will meet the structural and wind resistance requirements of the applicable building code.

(e) The applicant shall describe in writing the policies that will be used to offer space on a tower/antenna to other communications providers, in order to minimize the total number of facilities necessary in the region.

(f) The applicant shall provide evidence that he has investigated the possibility of co-locating facilities on an existing tower/antenna and other tall structures and has found such alternatives to be unworkable. The reasons shall be provided.

(g) A tower/antenna shall have a maximum total height of one hundred ninety (190) feet, unless the applicant proves that a taller height is necessary.

(h) A tower/antenna that primarily serves emergency communications by a Township-recognized police, fire, or ambulance organization and is on the same lot as an emergency services station, shall be permitted by right.

(i) Any tower/antenna that is no longer in active use shall be completely removed by the owner within six (6) months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the tower/antenna is no longer in active use.

(j) All accessory utility buildings or structures shall have a maximum total floor area of four hundred (400) square feet, which may be divided among adjacent buildings serving separate companies), have a maximum height of ten (10) feet and meet all principal building setbacks, and be surrounded by a security fence and gate.

(k) The applicant for any commercial communications tower/antenna shall provide a written notification to the Reading Airport at the time or prior to the time a permit or approval application is submitted to the Township. Such notification shall also be provided to any other airport that is within five (5) miles of the proposed tower/antenna.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1710. Convenience Stores.

(a) No outside storage, displays, or vending machines, except for a screened dumpster, shall be permitted.

(b) No exterior service windows or exterior ATM machines shall be permitted.

(c) Access driveways shall be limited to one (1) curb cut per street frontage and shall be located no closer than 100 feet to any intersection.

(d) On-site vehicle access and circulation shall be designed so that adjacent residential uses or districts are not disturbed by the movement of vehicles or by vehicle headlights.

(e) There shall be a minimum side yard setback of forty (40) feet from all properties zoned residential or in residential use.

(f) Fuel pumps, pump islands, detached canopies, compressed air stations, and similar equipment shall be setback a minimum of fifty (50) feet from any street right-of-way and a minimum of seventy-five (75) feet from all properties zoned residential or in residential use.

(g) There shall be adequate space for a minimum of three (3) vehicles to stack in a line at fuel pumps without using or obstructing any portion of an adjacent public sidewalk or street right-of-way.

(h) When the site abuts a property zoned residential or is in residential use, all lights illuminating the fuel pumps and pump island areas shall be

extinguished at the close of business.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 195, July 11, 2009, Section 14)

Section 1711. Eating and Drinking Places with Drive-In Service.

(a) If an outdoor menu board is provided, it shall be considered a sign and shall comply with the regulations for such contained in this Chapter.

(b) All areas not covered by buildings, structures, or paving shall be landscaped and provided with an all-season ground cover.

(c) All trash, rubbish, and waste areas shall be provided with a complete visual screen.

(d) A visual planting screen is required when adjacent to a residential use or district.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1712. Family Care Facilities.

(a) There shall be no more than six (6) residents.

(b) There shall be twenty-four (24)-hour resident supervision by qualified persons.

(c) The use shall be licensed by the State.

(d) Any medical or counseling services shall be provided for the residents only.

(e) The property on which such facilities are located shall not be closer than two hundred (200) feet to a similar use.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1713. Forestry.

(a) Logging or harvesting of timber on a parcel of land greater than one (1) acre shall require that a Timber Harvesting/Logging Plan acceptable to the Township be implemented by the property owner.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 195, July 11, 2009, Section 15)

Section 1714. General Service or Contractor's Shops.

(a) The floor area devoted to such use shall in no case exceed ten thousand (10,000) square feet.

(Ordinance No. 152, November 6, 2004, Section 17)

Section 1715. Highway Interchange Commercial Center.

(a) The purpose of the Highway Interchange Commercial Center is to make appropriate provisions for large scale, unified shopping centers in proximity of the highway interchange located at S.R. 61 and S.R. 78.

(b) The following uses are permitted within a Highway Interchange Commercial Center: anchor stores in conformity with subparagraph (i) below, restaurants, indoor theaters, retail business, family entertainment facilities, financial institutions, convenience stores and gas stations and uses permitted by right in Section 802(a) of Part 8, entitled "C-2 Highway Commercial Districts" of Chapter XXXII entitled "Zoning" of the Code of Ordinance of the Township of Tilden.

(c) A Highway Interchange Commercial Center shall be of single ownership or under unified management control. Where the Board of Supervisors shall have approved plans of a development in accordance with the regulations herein, the subsequent division of that tract or part thereof into lots incident to the development of the overall development shall thereafter be exempted from the provisions of the Tilden Township Subdivision and Land Development Ordinance, provided, that the overall development as a whole remains subject to the provisions of the Tilden Township Subdivision and Land Development ordinance, and that the deeds conveying lots or parts of the tract shall contain covenants requiring the purchasers to, at all times, operate and maintain such lots or parts of the tract in good order and repair and in a clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access, and utilities shall be maintained between all lots, and that such deed covenants shall be subject to the approval of the Township Supervisors upon the advice of the Township Solicitor.

The purchases of any lot, parcel or other real estate in the Highway Interchange Commercial Center shall so covenant and agree thereby to be bound by such conditions as set forth in the paragraph above.

(d) All proposed structure(s) must relate harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed structure(s).

(e) For vehicular and pedestrian circulation, special attention must be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of safe and convenient parking areas. Design vehicular and pedestrian areas to enhance the appearance of and access to the proposed building(s) and structure(s) and to the neighboring properties.

(f) The lot area shall not be less than thirty-five (35) acres.

(g) Not more than seventy-five percent (75%) of the lot area boundaries may be covered by impervious surface. Pervious areas, including stormwater management areas, shall be designed to enhance the rural setting of the area.

(h) No building or structure shall exceed two hundred twenty-five thousand square feet (225,000 sq. ft.). Included in the square footage area shall be any permeate fenced open areas for garden centers or similar uses.

(i) Setbacks for front yards, side yards and rear yards shall be a minimum of fifty feet (50'). Parking and/or access ways shall be permitted within the setback areas, except when the setback adjoins a residential use.

(j) No building or structure shall exceed thirty-five feet (35') or two stories in height. This restriction shall not apply to architectural enhancements related to a building or structure, such as a decorative building façade or screening for refrigeration units.

(k) There shall be a minimum distance between buildings and structures of forty-five feet (45').

(l) All means of ingress and egress shall be located at least four hundred feet (400') from any other intersecting public street or streets.

(m) Loading and unloading areas shall be designed and located so as not to interfere with circulation and parking areas.

(n) Required Parking shall be in accordance with Section 1801(p).

(o) Lighting for buildings, structures, signs, access ways, and parking and loading areas shall be so designed and positioned as to not reflect upwards or towards public streets or cause any unreasonable annoyance to surrounding properties. The maximum mounting height of all luminaries shall be twenty-five feet (25'). Lighting fixtures shall be designed to meet IESNA full-cutoff criteria.

(p) Illumination levels shall have intensities, uniformities and glare control in accordance with this Chapter, except as may otherwise be directed by the Township. Minimum intensity shall be 0.5 footcandles and the Uniformity Ratio (Maximum to Minimum) shall be 10:1.

(q) Parking lot lighting shall be reduced to "security levels" within one hour after the close of each business.

(r) No overnight parking allowed.

(s) Truck deliveries, truck staging and trash pickup shall be prohibited within three hundred feet (300') of any existing residential unless conditional use approval is obtained from the Board of Supervisors.

(t) Temporary storage containers or trailers shall be allowed as long as they are placed in the rear of the building area, or in another suitable location that limits visibility from the general public with the storage area to be screened with fencing material of a height sufficient to screen up to and including the top of the containers in the storage area. There may be no sale activities directly from any such containers. In addition, there shall be no outside display of merchandise or outside vendors without a special permit pursuant to Township ordinances, unless contained within the area between the building and the building curb line and clearly marked on the project's land development plan. Such area may not be used in a way that limits pedestrian traffic along the intended walking areas outside of the store and may not overflow into the driveways or parking areas as of the shopping center. Such display and vendor areas must be well maintained on a regular basis to ensure merchandise displays are clean and orderly.

(u) Buffer yards adjacent to a residential use shall be in accordance with the provisions of Section 1609, but will, to the extent they do not conflict with the provisions of Section 1609, be required to have an effective height of at least eight feet (8') and may be comprised of a combination of (a) earthen berms and plantings and fencing or (b) plantings and fencing. All plantings shall be placed on the residential side of the screen. In all cases, the screens may be interrupted where necessary for pedestrian path crossings, to avoid obstructing safe distances, to allow for stormwater swale crossings, and to avoid wetland intrusions. If such interruptions occur, the screen shall be so arranged to maintain a visual barrier as if

not interrupted. To the extent that this section conflicts with the provisions of section 1609, the provisions of Section 1609 shall apply.

(v) Storage areas for trash and rubbish shall be completely screened. All organic rubbish shall be stored within airtight, vermin-proof containers until such rubbish is collected. No such storage areas shall be permitted within any required buffer yard.

(w) No accessory uses shall be permitted. Permanently fenced open areas for garden centers or similar uses shall not be considered an accessory use.

(x) Signs shall be in accordance with Section 1914.

(y) Establishments furnishing shopping carts 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.

(z) Any proposed Highway Interchange Commercial Center shall be subject to the provisions of the Township's Subdivision and Land Development Ordinance.

(aa) The guidelines set forth in Section 1803(a) of this Ordinance shall not be applicable to a Highway Interchange Commercial Center and the following guidelines for parking space area shall apply:

(1) Parking Space Area - Each off-street parking space shall contain a net area of no less than one hundred eighty (180) square feet, with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet.

(bb) The guidelines set forth in Sections 1803(j)(2)(i) and 1803(j)(2)(ii) of this Ordinance shall not be applicable to a Highway Interchange Commercial Center and the following guidelines shall apply:

(1) Curbed, landscaped traffic islands having the same dimensions as a single parking space are required on the end-cap of each parking row in order to separate rows of parking from any internal collector drive. The requirement will be waived for the end of a row of parking where the intended space is used for handicapped parking striping. In addition, parking areas which contain over two hundred (200) parking spaces must include one (1) curbed, landscaped traffic island for every five (5) rows of parking; such traffic islands to be eight (8) feet wide by the entire length of the parking row. Curbed, landscaped areas shall include grass, decorative flowers and low lying shrubs, selected to promote an aesthetically pleasing



design, while creating a safe and easily maintainable parking area.

(Ordinance No. 161, January 3, 2006, Section 3; as amended by Ordinance No 173, January 2, 2007, Sections 2 and 3)

Section 1716. Hospitals.

(a) The size, scale, type, and location shall meet the regulations and requirements of the applicable State agencies and other regulatory bodies.

(b) The minimum lot size is three (3) acres.

(c) The site shall have direct access to an arterial or collector street, and more than one (1) such access point shall be provided to the site.

(d) No hospital in a residential district may primarily treat or house the criminally insane.

(e) Public sewer and water facilities shall be provided.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1717. Junkyards.

(a) The storage of garbage or organic or biodegradable material is prohibited.

(b) All junk shall be at least one hundred (100) feet from any lot line and street right-of-way line.

(c) The site shall have at least two (2) points of access to a public street, each of which is not less than thirty (30) feet wide.

(d) The site shall be completely surrounded by well-maintained and secure fencing at least six (6) feet high with gates. Such gates shall be securely locked at all times except during business hours when an adult attendant shall be on the premises. This required fence shall be non-opaque.

(e) The site shall be completely surrounded by a forty (40) foot wide buffer yard, which shall contain evergreen plantings at least six (6) feet high at the time of planting. The buffer yard shall be on the outside of the required fencing.

(f) All junk shall be stored and arranged so as to allow access by fire fighting equipment and to prevent the accumulation of stagnant water. No junk material shall be piled higher than six (6) feet above grade.

(g) The burning or incineration of any junk, rubbish, or refuse is prohibited.

(h) Where practical, liquids and fluids shall be drained from junked or scrapped motor vehicles. Adequate precautions shall be taken to prevent the seepage of oils, grease, or battery acid into the soil or water.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1718. Methadone Treatment Facilities.

(a) Such use shall only be permitted when in compliance with the standards for such as provided for in the PA Municipalities Planning Code.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1719. Motels/Hotels.

(a) Such use shall be located on a lot of not less than five (5) acres.

(b) Such use shall have continuous road frontage of a least three hundred (300) feet.

(c) No structure shall be located closer than one hundred (100) feet from the street line or thirty-five (35) feet from each side property line.

(d) No motel shall be permitted unless it is provided with public sanitary sewer facilities or a comparable system approved by the Township Supervisors and the Pennsylvania Department of Environmental Protection.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1720. Motor Vehicle Repair Facilities.

(a) No building or structure shall be located within fifty (50) feet of a residential use. Yards adjacent to residential uses shall be suitably screened.

(b) All repair and paint work shall be performed within an enclosed building.

(c) No more than five (5) vehicles in non-driveable condition shall be stored on the property. Such vehicles shall be stored in side and rear yards only and shall be no closer than twenty (20) feet to any side or rear lot line.

(d) Outdoor storage of parts and junk shall not be permitted.

(e) Any vehicle on the premises longer than seven (7) days shall be deemed a stored vehicle and shall not be stored longer than a total of sixty (60) days.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1721. Motor Vehicle Sales Establishments.

(a) No vehicles for sale shall be displayed within a street right-of-way.

(b) Means of ingress and egress to a public street shall not be within two hundred (200) feet of an intersecting street or streets.

(c) All off-street parking and display areas shall be paved.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1722. Motor Vehicle Service Stations.

(a) All activities except those to be performed at fuel pumps and air filling areas shall be performed within a building.

(b) Fuel pumps shall be at least twenty-five (25) feet from an existing or future required street right-of-way line or fifty (50) feet from the existing street centerline, whichever is greater.

(c) Any motor vehicle parts or dismantled vehicles shall be located within an enclosed building.

(d) Full body work or painting activities shall not be permitted.

(e) Vehicles awaiting repairs may remain on the property no longer than

sixty (60) days from the day the vehicle arrives on the property.

- (f) No vehicles may be displayed for sale or rent on the property.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1723. No-impact Home-based Businesses.

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

(b) The business shall employ no employees other than family members residing in the dwelling.

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

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

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

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

(g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

- (h) The business may not involve any illegal activity.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1724. Outdoor Places of Amusement.

(a) A lot containing such use shall not be less than ten (10) acres in area.

(b) All buildings and structures shall be setback a minimum of one

hundred fifty (150) feet from all exterior property lines.

- (c) The maximum building coverage shall be ten (10) percent.
- (d) The maximum paved area shall be fifteen (15) percent.
- (e) The minimum lot width shall be two hundred (200) feet.
- (f) A golf course may include a standard restaurant, food stand, equipment shop, clubhouse, or maintenance/equipment buildings or structures as accessory uses.
- (g) For a golf course, no fairway or green shall be closer than fifty (50) feet from a property line of an existing dwelling or a right-of-way line of an existing street.
- (h) An outdoor swimming pool shall be completely enclosed with a secure chainlink or wooden fence with a minimum height of six (6) feet.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1725. Passenger Terminals.

- (a) Terminals shall be located with direct access to an arterial or collector street.
- (b) There shall be adequate areas for loading and unloading, separate from required off-street parking areas.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1726. Retail Service Shops.

- (a) Any processing activity shall be not less than fifteen (15) feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.
- (b) The area devoted to processing shall constitute not more than thirty (30) percent of the gross floor area.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 4)

Section 1727. Retail Showroom.

- (a) Floor area must be in excess of 200,000 square feet.
- (b) Every lot area shall have a lot area of not less than fifty (50) acres, and such lot shall be not less than four hundred feet (400') in width at the building line.
- (c) There shall be a front yard setback on each street on which a lot abuts which shall not be less than one hundred feet (100') in depth.
- (d) For every building or use there shall be two (2) side yard setbacks, neither less than seventy-five feet (75') in depth.
- (e) There shall be a rear yard setback on each lot which shall not be less than fifty feet (50') in width.
- (f) No building shall exceed seventy-five feet (75') in height.
- (g) An access street shall be used for access to the lot. The access street shall be curbed with a minimum paved width of roadway of thirty-four feet (34'). The access street shall be constructed with a base of six inches (6") of Type 2A Aggregate for the full width of roadway and shoulders, six inches (6") of a bituminous base course and one and one-half inches (1 ½") of a bituminous wearing course. All materials and workmanship shall be in accordance with the latest specifications of the Pennsylvania Department of Transportation.

(Ordinance No. 161, January 3, 2006, Section 5)

Section 1728. Retail Stores.

- (a) Gross floor area is not to exceed ten thousand (10,000) square feet.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 6)

Section 1729. Self-Storage Facilities.

- (a) Structures containing storage units shall be limited to one story and shall not exceed twelve (12) feet in height.
- (b) Each individual storage unit shall abut a paved access drive.

- (c) Access drives shall be at least fifteen (15) feet wide.
- (d) No storage outside of individual units shall be permitted.
- (e) A security fence at least six (6) feet high shall surround a self-storage facility, and access through such fence shall be by way of an automatic gate, security guard, or similar means.
- (f) A planted buffer strip shall be provided when a self-storage facility abuts an existing residential use or a residential district and shall be established in accordance with the standards for such, as contained in this Chapter.
- (g) Lighting shall be in accordance with all applicable provisions of this Chapter.
- (h) The use of individual storage units shall be restricted to the storage of household goods and business equipment, supplies, and records. The storage of perishable items or hazardous materials shall not be permitted. There shall be no motor vehicle repairing of any kind either inside storage units or within common access areas, except in the case of emergencies. Storage units shall not be used as areas for rehearsals by musical groups.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 6)

Section 1730. Shopping Centers.

- (a) Shopping centers shall be in single ownership or under a unified management control.
- (b) The principal uses permitted by right within a shopping center shall be limited to retail stores, retail service shops, personal service shops, financial institutions, offices, and eating and drinking places
- (c) The lot area shall not be less than ten (10) acres.
- (d) Not more than twenty (20) percent of the area of each lot may be occupied by buildings.
- (e) There shall be a setback on each street on which a lot abuts which shall not be less than one hundred (100) feet in depth.
- (f) There shall be two (2) side yards not less than seventy-five (75) feet

wide.

(g) There shall be a rear yard on each lot which shall be not less than fifty (50) feet wide.

(h) No building shall exceed two (2) stories or thirty-five feet (35') in height.

(i) Public sewer and water facilities shall be provided.

(j) Off-street parking shall be provided in accordance with the provisions of this Chapter. Parking shall be permitted within the front, side, and rear yard setback areas, up to twenty-five (25) feet from any front, side, or rear lot line of the shopping center.

(k) All means of ingress and egress shall be located at least two hundred (200) feet from any other intersecting street or streets.

(l) Areas for loading and unloading shall be so designed and located as to not interfere with the established pattern for interior circulation and parking.

(m) Lighting for buildings, signs, accessways, and parking and loading areas shall be so designed and positioned as to not reflect upward or toward public streets or cause any annoyance to surrounding properties.

(n) All lot lines abutting residential districts shall be screened by a buffer yard, as described in Section 1609 of this Chapter.

(o) Storage areas for trash and rubbish shall be completely screened. All organic rubbish shall be stored within airtight, vermin-proof containers until such rubbish is collected. No such storage areas shall be permitted within any required buffer yard.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 6; as further amended by Ordinance No. 172, January 2, 2007, Section 12)

Section 1731. Veterinarian Offices.

(a) Veterinarian offices shall not include animal shelters, kennels, or outdoor exercise run areas.

(b) Animals may be kept overnight on a limited basis, usually as a follow-



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up to specific treatment that requires such a stay. Animals that are kept overnight must remain inside the building and may be taken outside for a limited time only by office staff.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 6)

Section 1732. Wholesale Businesses.

(a) 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.

(b) Entrances and exits 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.

(c) Means of ingress and egress to any public street shall not be located closer than two hundred (200) feet from an intersecting street or streets.

(d) 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.

(e) 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 district.

(Ordinance No. 152, November 6, 2004, Section 17; as amended by Ordinance No. 161, January 3, 2006, Section 6)

PART 18

Off-Street Parking and Loading

Section 1801. Required Off-Street Parking Space. The following off-street parking provisions shall constitute the minimum space required for the following buildings or uses hereafter erected, converted, or otherwise established in any district:

(a) Adult-Oriented Use. One space per 100 SF of GFA + one space per employee.

(b) Automatic Self-Service Laundry. One space per 3 machines + one space per employee.

(c) Bed and Breakfast Inn, Motel, Boarding House, Tourist Home, or Other Place Providing Overnight Accommodations. One (1) parking space for each rental room or unit plus one (1) additional space for each two (2) full-time employees.

(d) Building Materials Sales Yard. One space per 150 SF of GFA + one space per 1,000 SF of lot area dedicated to outdoor display or sales area + one space per employee.

(e) Care Facility. See Hospital/Nursing/Convalescent Home.

(f) Clinic. One space per each employee + 4 spaces per each person engaged in practice.

(g) Club, Lodge, Social Building. One space per each 4 seats.

(h) Community Recreation Building. One space per each 25 SF devoted to patron use.

(i) Cultural Facility. One space per 300 SF of GFA.

(j) Dwelling. Not less than two (2) off-street parking spaces for each dwelling unit.

(k) Eating and Drinking Places. One space per 3 persons of maximum occupancy + one space per employee on the largest shift.

(l) Financial Institution. One space per 250 SF of GFA + one space per employee.

(m) Funeral Home. One space per each 4 seats.

(n) General Service/Contractor's Shop. One space per 500 SF of GFA + one space per employee + one space per each company vehicle stored on the premises.

(o) Greenhouse. One space per 150 SF of GFA + one space per 1,000 SF of lot area dedicated to outdoor display or sales area + one space per employee.

(p) Highway Interchange Commercial Center.

(1) All permitted uses, other than Restaurants and Indoor Theatres, shall require four (4.0) spaces per one thousand square foot (1000 sq. ft.). Outside storage areas, such as a garden center typically associated with a home improvement store, shall not be included in the area for the purpose of this calculation.

(2) Restaurants and indoor theatres shall require one (1) space per three (3) seats and one (1) space per employee on the largest shift.

(q) Hospital, Nursing, or Convalescent Home or Other Similar Institution. One (1) parking space for every five (5) patient beds plus one (1) additional space for each staff doctor plus one (1) additional space for each two (2) employees (including nurses) on the two (2) major shifts.

(r) Junk Yard. One space per employee.

(s) Laboratory. One space per employee.

(t) Laundry/Dry Cleaning/Dyeing Plant. One space per employee on largest shift.

(u) Laundry/Dry Cleaning/Clothes Pressing Establishment. One space per 500 SF of GFA + one space per employee.

(v) Manufacturing and Other Industrial Uses. Three (3) parking spaces for every four (4) employees on the two (2) major shifts but in no case less than one (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for every 1,000 square feet of gross floor area for use by visitors, plus one (1) space for each company vehicle normally stored on the premises.

(w) Medical and Dental Office. One space per each employee + 4 spaces per each person engaged in practice.

(x) Methadone Treatment Facility. See Clinic.

(y) Motor Vehicle Repair Facility. Three (3) parking spaces for each service bay + one (1) additional space for each employee on duty at any one time.

(z) Motor Vehicle Sales Establishment. One space per 10 vehicles on display + one space per employee.

(aa) Motor Vehicle Service Stations. Three (3) parking spaces for each service bay plus one (1) additional space for each employee on duty at any one time.

(bb) Motor Vehicle Washing Establishment. One space per employee.

(cc) Nursery. One space per 150 SF of GFA + one space per 1,000 SF of lot area dedicated to outdoor display or sales area + one space per employee.

(dd) Office. One space per 250 SF of GFA.

(ee) Other Commercial Buildings. One (1) parking space for every two hundred (200) square feet of ground floor area plus one (1) parking space for every four hundred (400) square feet of floor area above the ground floor.

(ff) Outdoor Place of Amusement/ Recreation/ Assembly. One space per employee on largest shift + one space per 5 persons of total capacity.

(gg) Personal Service Shop. One space per 150 SF of GFA.

(hh) Places of Assembly. For places of worship, auditoriums, recreation establishments, or other places of assembly, one (1) parking space for each five (5) seats provided for public assembly or, for those places not providing fixed seats, one (1) parking space for every fifty (50) square feet of gross floor area intended to be used by customers, patrons, clients, guests, or members.

(ii) Places of Worship. See Places of Assembly.

(jj) Professional Office Use of Home Occupation Incidental to a Dwelling. One (1) parking space in addition to the requirement for the dwelling unit and one (1) parking space for each employee, except that, in the case of doctors and other medical practitioners, there shall be three (3) spaces in addition to the requirement for the dwelling unit and one (1) parking space for each employee.

- (kk) Retail Service Shop. One space per 150 SF of GFA.
- (ll) Retail Store. One (1) parking space for every two hundred (200) SF of GFA + one (1) additional space for every two (2) full-time employees.
- (mm) Self-Storage Facility. One space per employee.
- (nn) Shopping Center. Six spaces per 1,000 SF of GFA. Office uses and other non-retail uses within a shopping center shall provide parking spaces in accordance with this Chapter.
- (oo) Studio. One space per employee + one space per 3 students to be accommodated at any one time.
- (pp) Utility Substation. One space per vehicle required to serve such facility.
- (qq) Veterinarian Office. One space per each employee + 4 spaces per each person engaged in practice.
- (rr) Vocational School. One space per employee + one space per 3 students to be accommodated at any one time.
- (ss) Warehousing and Wholesale Use. One space per employee.
- (tt) For any building or use not included above, the Township Zoning Officer shall apply the standard for off-street parking spaces in the above schedule that most closely approximates the proposed building or use.

(Ordinance No. 152, November 6, 2004, Section 19; as amended by Ordinance No. 161, January 3, 2006, Section 7 and Section 8)

Section 1802. Required Off-Street Loading Space. The number of off-street loading spaces 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. When a Zoning Permit or Building Permit is applied for, the application shall show all provisions for off-street loading and include supporting data (such as the number and frequency of vehicles that will be using such spaces), to justify the number of spaces provided. The Township shall approve the number of loading spaces proposed. (Ordinance No. 152, November 6, 2004, Section 19)

Section 1803. Area and Design Standards and Other Requirements Relating to Parking and Loading Spaces.

(a) Parking Space Area. Each off-street parking space shall contain a net area of no less than two hundred (200) square feet, with a minimum width of ten (10) feet and a minimum length of twenty (20) feet for each motor vehicle. In determining the dimensions of such space, access drives and aisles shall not be included.

(b) Loading Space Area. Each off-street loading space shall be a minimum of fourteen (14) feet by seventy-five (75) feet and have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas. Each loading berth within a truck dock or truck well shall be a minimum of twelve (12) feet by seventy-five (75) feet.

(c) Adequate Accessways, Aisles, and Maneuvering Space. For residential uses having access to any major street as herein defined and for all non-residential uses, parking and loading areas shall include within the property lines turning areas so designed and surfaced that a vehicle entering or leaving the property will not be forced to back onto the street or onto the property.

(d) Surface. Except for farms, all driveways, parking areas, and loading spaces shall be paved with a hard, all-weather surface.

(e) Design Standards.

(1) All parking facilities provided under this Chapter shall be located off the public right-of-way and on the same lot as the use or building they are designed to serve.

(2) Off-street parking, loading, and service areas on all properties and for any purpose other than a single-family residence shall be physically separated from the public right-of-way by a concrete curb and by a planting strip parallel to the street line which shall be not less than eight (8) feet in depth measured from the edge of the cartway.

(3) In Residential, Open Space, and Agricultural Districts, paved accessways shall be at least fourteen (14) feet in width at the curblines for one-way use only and at least twenty-two (22) feet in width at the curblines for two-way use.

(4) In Commercial and Industrial Districts, paved accessways shall be at least twenty-four (24) feet in width at the street line and not more than

fifty-four (54) feet in width at the curb line for two-way use.

(5) For the purpose of servicing any property held under single and separate ownership, not more than two (2) such accessways shall be provided along the frontage of any single street, and their center lines shall be spaced at least eighty (80) feet apart.

(6) On all corner properties, there shall be a minimum distance between an accessway and the street intersection, measured from the curb line of the intersecting street to the edge of the accessway nearest the intersection of fifty (50) feet in the C-1 and C-2 Districts and one hundred (100) feet in the L-1, L-2, and L-3 Districts.

(7) In Industrial Districts, the required off-street parking and/or loading spaces shall be arranged in such a way as to provide adequate space for parking maneuvers and circulation in the access drives and aisles with a minimum danger of accidental collision.

(8) Each aisle providing access to parking spaces for one-way traffic only shall be at least the minimum width as follows:

Angle of Parking	Minimum Aisle Width
45°	14 feet
60°	18 feet
90°	24 feet

Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width.

(9) All parking aisles shall be separated by a physical barrier permanently fixed to the ground.

(10) Parking areas shall be designed to permit each vehicle to enter and exit a parking space without requiring the moving of another vehicle.

(11) In Residential, Open Space, and Agricultural Districts, there shall be at least six (6) feet between all access points, and no access point shall be closer than fifteen (15) feet from any street intersection.

(12) Parking lots for three (3) or more vehicles should be designed to prevent vehicles from backing into a public street in order to leave the lot.

(13) All off-street loading spaces shall be graded and provided with

an all-weather surface and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.

(f) Joint Parking. Two (2) or more buildings or uses on adjacent lots may provide for required parking in a common parking lot, provided that the total of such spaces shall not be less than the sum of the requirements for each individual use.

(g) Reduction of Off-street Parking/Loading Space. Off-street parking or loading space shall not be discontinued or reduced without providing alternate space in compliance with the standards and specifications of this Chapter.

(h) Non-Conforming Parking Areas. No major repairs, substantial alterations, or extensions to any building shall be permitted unless the plans for such change shall provide for bringing the entire property, including parking, into conformance with all of the provisions of this Chapter as if an application were being made for a permit to erect or construct all of the existing and proposed buildings, structures, and parking on undeveloped ground.

(i) Use of Parking Areas. No off-street parking or loading space shall be used for anything other than its intended purpose. No storage of any kind and no motor vehicle repair work of any kind shall be permitted within any such space.

(j) Landscaping Standards.

(1) Perimeter screening.

(i) In the case of any parking or off-street area of five (5) or more spaces, all spaces not within a building shall be provided with a suitable fence, wall, or planting screen that is designed to screen visibility and headlight glare, to be located between such parking spaces and any lot in a residential district or in a residential use that directly abuts or is across a street from said spaces.

(ii) If a planting screen is provided for a property that directly abuts said spaces, it shall consist of at a minimum evergreen plantings at least five (5) feet high at the time of planting and may also include flowering and deciduous plantings. All plantings shall be located within a planting strip a minimum of five (5) feet in width.

(iii) If a planting screen is provided for a property that is across a street from said spaces, it shall consist of at a minimum evergreen plantings no taller than 36 inches at maturity. It may also



include flowering and deciduous plantings, with shrubs no taller than 36 inches at maturity and trees with branches trimmed at least eight (8) feet from ground level. All plantings shall be located within a planting strip a minimum of five (5) feet in width.

(iv) All planting screens shall be shown on a landscaping plan, as described in Section 1803(k) of this Chapter.

(2) Interior landscaping.

(i) Any parking lot of more than fifteen (15) spaces shall be required to provide landscaped areas within the paved area.

(ii) This required landscaped area shall be equal to a minimum of ten (10) percent of the total paved area and shall show at least one (1) deciduous tree with a minimum caliper of two (2) inches planted for every ten (10) required parking spaces.

(iii) Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes and discouraging cross-lot taxiing, to act as a barrier against wind-borne debris and dust, to provide shade, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking lot.

(iv) Landscaped areas shall be shown on a landscaping plan, as described in Section 1803(k) of this Chapter.

(k) Landscaping Plan.

(1) A landscaping plan shall be prepared by a registered landscape architect.

(2) The plant materials used in parking lot landscaping should have low maintenance requirements and be able to withstand exhaust fumes and pavement heat.

(3) The plan should provide a variety of flowering, deciduous, and evergreen plant materials to screen vehicles and provide color and textural interest.

(4) All plant materials proposed in a landscaping plan shall be subject to the approval of the Zoning Officer.

(l) Lighting.

(1) Any parking area designed for use by six (6) or more vehicles after dusk shall be adequately lighted.

(2) All lighting fixtures shall be arranged to prevent glare onto public streets and adjacent properties.

(3) Parking lots serving residential uses shall, at a minimum, be lighted over their entire surface to one-half (0.5) average maintained footcandles (5.4 average maintained lux).

(4) Parking lots serving commercial and industrial uses shall, at a minimum, be lighted over their entire surface to one (1.0) average maintained footcandle (10.8 average maintained lux).

(m) Notwithstanding the above regulations, in a Highway Interchange Commercial Center, the following will be permitted:

(1) Design Standards - Any aisle provided for maneuvering in or out of parking spaces that are angled at ninety (90) degrees shall be at least twenty-four feet (24') in width, measured perpendicular to the row of parking spaces it serves. Where parking spaces are angled at sixty (60) degrees, the aisle shall be at least eighteen feet (18') in width, measured perpendicular to the row of parking spaces it serves. All other criteria outlined in Section 1803(e) shall apply.

(Ordinance No. 152, November 6, 2004, Section 19; as amended by Ordinance No. 161, January 3, 2006, Section 9; as further amended by Ordinance No. 173, January 2, 2007, Section 4; as further amended by Ordinance No. 195, July 11, 2009, Section 16)

PART 19

Signs

Section 1901. Scope and Applicability. In all Zoning Districts within the Township, signs may be erected, altered, maintained, used, or moved only when in accordance with the provisions of this Part. (Ordinance No. 152, November 6, 2004, Section 20)

Section 1902. Sign Size and Area Computation.

(a) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

(b) In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both sign faces are identical. If the interior angle formed by the two (2) faces of a double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

(c) 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.

(d) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle which can encompass all of the letters and symbols.

(e) If an establishment has walls fronting on two (2) or more streets, the sign area for each street shall be computed separately.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1903. General Sign Regulations.

(a) Setback from Property Line. There shall be a minimum distance of fifteen (15) feet between any side property line and any sign erected under the provisions of this Chapter.

(b) Setback from Cartway. No sign, other than a traffic or street sign, shall

be located within the lines of any road right-of-way or within seven (7) feet of the edge of the cartway of any public street. In no case shall a sign be placed in such a position or manner or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic on any road or street.

(c) Minimum Distance from Street Intersection. No signs except official traffic or street name signs shall be permitted within fifty (50) feet of a street intersection measured from the intersection of the street right-of-way lines.

(d) Maintenance of Signs. Every sign permitted in this Part must be constructed of durable materials and must be kept in good condition and repair. Any sign that is allowed to become dilapidated in the opinion of the Township Supervisors shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

(e) Non-conforming Signs. If any legal, non-conforming sign shall be removed, it may be replaced only, within sixty (60) days, with a sign that conforms to the provisions of this Part. However, legal non-conforming signs may be repainted or repaired provided that the dimensions of the sign are not increased.

(f) Sign Permit Requirements. A sign permit shall be obtained from the Zoning Officer prior to the erection, alteration or relocation of any sign, billboard or other advertising device over four (4) square feet in area. In applying for such permit, the applicant shall use the form provided by the Township, and shall include a plot plan of the property upon which such sign is located or proposed, showing the location of the street lines, cartway lines, and all signs already existing on the property, in order to facilitate the determination by the Zoning Officer that the sign to which the application relates complies with the provisions of this Chapter approved by the Township Planning Commission.

(g) Lighting of Signs. Signs shall only be illuminated by shielded lighting mounted to the top of the sign directing the light down onto the sign. The lighting fixtures shall be designed, fitted, and aimed to place the light output on and not beyond the sign.

(h) Wall Signs. Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted.

(i) Projecting Signs. Projecting signs shall not extend more than four (4) feet from the wall or surface to which they are mounted and shall be no closer than six (6) feet to a property line. No projecting signs shall interfere with normal pedestrian or vehicular traffic and shall be at least ten (10) feet above the pavement or ground.

(j) Signs Within Right-of-Way Lines. No signs except those of a duly constituted governmental body shall be allowed within street right-of-way lines unless specifically authorized by the Township and in compliance with the Commonwealth of Pennsylvania regulations. However, wall signs and projecting sign, as defined herein, shall be permitted to have a portion thereof extending into the public right-of-way no more than four (4) feet.

(k) Applicability to Tall Structures. These sign provisions shall apply to all signs on smokestacks, water towers, and other similar tall structures.

(l) Construction Site Signage. Non-illuminated temporary signs may be permitted on new construction sites, if such signs do not to exceed thirty-two (32) square feet in total area and if they are removed within seven (7) days after completion of the construction work. Not more than one (1) sign shall be placed on each street frontage of the construction site.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1904. Signs Permitted in All Districts. The following signs are permitted in all districts without a permit:

(a) Signs necessary for direction, regulation, and control of traffic; road construction-related signs; street name signs; legal notices; warnings at railroad crossings; and other official Federal, State, County, and Township governmental signs.

(b) Temporary signs announcing or advertising any educational, charitable, civic, professional, religious, or similar campaign or event may be permitted, providing such signs do not exceed thirty-two (32) square feet in area and are removed promptly after the conclusion of the campaign or event.

(c) Temporary political signs supporting political parties, candidates for political office, ballot questions, or current election issues shall be allowed without a permit. The placement of such signs shall be subject to the permission of the property owner on whose land said signs are located. No such sign shall be placed so that it obstructs a motorist's view of a cartway or pedestrian way or otherwise creates a public safety hazard. All such signs shall be removed within seven (7) calendar days immediately following said election.

(d) "No Trespassing" signs, signs indicating the private nature of a road, driveway, or premises, and signs prohibiting or otherwise controlling fishing or hunting upon a particular premise, provided that the size of any such sign shall not

exceed four (4) square feet.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1905. Signs Prohibited in All Districts. The following signs shall not be permitted to remain or to be erected in any District:

(a) Signs that are obsolete structures not meeting construction standards, out-of-date political signs, and signs that have been erected without a permit having been issued therefor.

(b) Signs that are illegal under state law or regulations.

(c) Signs that are not securely fixed on a substantial structure.

(d) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic, except for official traffic-related signs, signals, and devices.

(e) Signs located or arranged in such a manner to interfere with traffic through (1) glare, (2) blocking of reasonable sight lines for streets, sidewalks, or driveways, (3) confusion with a traffic control device by reason of color, location, shape, or other characteristic, or (4) any other means.

(f) Signs that prevent free ingress or egress from any doors, window, or fire escape or that are attached to a standpipe or fire escape.

(g) Signs advertising a use no longer in existence or a product no longer available.

(h) Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as specifically allowed in this Part.

(i) Flashing, blinking, twinkling, animated, or moving signs of any type, except emergency signs, those related to road or other construction activities, and those portions of signs which indicate time and/or temperature.

(j) Portable signs, including A-frame, menu, and sandwich board signs and balloons used as signs, but not including road construction or emergency signage.

(k) Signs attached to or painted on vehicles that are parked on a site and are visible from the public right-of-way in such a manner that the carrying or

displaying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes the primary purpose in itself, unless said vehicle is used in the normal day-to-day operations of a business located on the site or a business performing construction, remodeling, or similar activity on the site.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1906. Signs Permitted in Residential Districts by Permit. In R-1, R-2, R-3 and R-4 Residential Districts, the following types of signs shall be permitted by permit:

(a) Identification signs for farms, schools, churches, hospitals, institutions, and for public or private recreation areas, clubs or other similar uses, provided that the area of any such sign shall not exceed twenty-four (24) square feet.

(b) Signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other person interested in such sale or development provided that the area of such sign shall not exceed twenty-four (24) square feet. Such signs shall be located only on the premises to which they relate, and not more than one (1) such sign shall be placed on any property in single and separate ownership unless such property fronts on more than one (1) public street, in which case one (1) sign may be erected along each street frontage.

(c) Signs advertising the sale, lease, or rental of property, provided that the area of any such sign shall not exceed six (6) square feet. No more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. All signs shall be removed within seven (7) days after settlement or rental has been entered into.

(d) Where a real estate developer is engaged in selling lots only, temporary signs advertising the sale of lots in the subdivision shall be permitted during the initial period of the development project. Said period shall commence with the recording date of the subdivision plan and shall end twelve (12) months thereafter. The permit for such signs may be renewed at the end of each twelve (12) month period.

(e) Temporary signs of contractors, architects, mechanics and artisans during the period such persons are performing work on the premises provided that

(1) The size of any such sign shall not exceed six (6) square feet.

(2) Not more than one (1) sign for each such mechanic, contractor

or artisan shall be placed on any one (1) property on which such person is performing work, unless such property fronts upon more than one (1) street, in which event, each such mechanic, contractor or artisan may erect one (1) such sign on each street frontage.

(3) Such sign shall be removed promptly upon completion of the work.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1907. Signs Permitted in Residential Districts Without a Permit. In R-1, R-2, R-3 and R-4 Residential Districts, the following types of signs shall be permitted without a permit:

- (a) Official traffic-related or street name signs.
- (b) Name, accessory use, and home occupation signs, indicating the name, profession, or activity of the occupant of a dwelling, provided that the area of any such sign shall not exceed four (4) square feet.
- (c) Directional, informational or public service signs, provided that such signs do not advertise any commercial establishment, and any such sign shall not exceed two (2) square feet in size.
- (d) Signs erected by the Township and any of its boards, commissions, or agencies.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1908. Signs Permitted in Commercial and Industrial Districts by Permit. In Commercial C-1 and C-2 and in Industrial L-1, L-2, and L-3 Districts, the following types of signs shall be permitted by permit:

- (a) Identification signs for schools, churches, hospitals, institutions, and public and private recreation areas, clubs, and other similar uses, provided that the area of any such sign shall not exceed twenty-four (24) square feet.
- (b) Signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other person interested in such sale or development provided that the area of such sign shall not exceed twenty-four (24) square feet. Such signs shall be located only on the premises to which they relate, and not more than one (1) such sign shall be placed on any property in single and separate ownership unless such property fronts on more than



one (1) public street, in which case one (1) sign may be erected along each street frontage.

(c) Signs advertising the sale, lease, or rental of property, provided that the area of any such sign shall not exceed six (6) square feet. No more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. All signs shall be removed within seven (7) days after settlement or rental has been entered into.

(d) Where a real estate developer is engaged in selling lots only, temporary signs advertising the sale of lots in the subdivision shall be permitted during the initial period of the development project. Said period shall commence with the recording date of the subdivision plan and shall end twelve (12) months thereafter. The permit for such signs may be renewed at the end of each twelve (12) month period.

(e) Temporary signs of contractors, architects, mechanics and artisans during the period such persons are performing work on the premises provided that

(1) The size of any such sign shall not exceed six (6) square feet.

(2) Not more than one (1) sign for each such mechanic, contractor or artisan shall be placed on any one (1) property on which such person is performing work, unless such property fronts upon more than one (1) street, in which event, each such mechanic, contractor or artisan may erect one (1) such sign on each street frontage.

(3) Such sign shall be removed promptly upon completion of the work.

(f) Signs identifying a business, industry, or other permitted use provided that

(1) Such sign is located on the site where such use is conducted.

(2) Not more than one (1) sign shall be permitted for any one (1) use unless the property on which such use is located fronts on more than one (1) street, in which event one (1) sign may be erected on each frontage.

(3) The total area of such sign shall not exceed fifty (50) square feet.

(4) Signs shall only be illuminated by shielded lighting mounted to

the top of the sign directing the light down onto the sign.

(5) No sign shall exceed twelve (12) feet in height.

(g) Signs identifying a commercial/industrial park, provided that

(1) One (1) sign for commercial/industrial park identification will be allowed for each park. Such sign shall be located near the intersection of the primary park access drive and the existing public road. Any alternate location for this sign shall be with the recommendation of the Planning Commission and the approval by the Township Board of Supervisors.

(2) The purpose of this sign is to identify the park and its tenants and shall not be used for any advertising.

(3) Park identification signs shall have an area of not more than seventy-five (75) square feet for each lot in the park, with a maximum area of four hundred fifty (450) square feet.

(4) Park identification signs shall be illuminated by shielded lighting only, mounted at the top of the sign and directing the light down onto the sign.

(h) Special promotional signs or displays, such as banners and pennants, which are not readily measurable for the purpose of determining compliance with the size limitations for signs contained in this Part, shall be permitted for no more than a total of fifteen (15) days in any one (1) calendar year.

(i) Off-Premises signs, in compliance with the provisions of this Chapter.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1909. Signs Permitted in Commercial and Industrial Districts Without a Permit. In C-1 and C-2 Commercial and L-1, L-2, and L-3 Industrial Districts, the following types of signs shall be permitted without a permit:

(a) Official traffic-related or street name signs.

(b) Name, accessory use, and home occupation signs, indicating the name, profession, or activity of the occupant of a dwelling, provided that the area of any such sign shall not exceed four (4) square feet.

(c) Directional, informational or public service signs, provided that such

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signs do not advertise any commercial establishment, and any such sign shall not exceed two (2) square feet in size.

(d) Signs erected by the Township and any of its boards, commissions, or agencies.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1910. Signs Permitted in OS Open Space District Without a Permit. In the OS Open Space District, the following types of signs shall be permitted without a permit:

(a) Official traffic-related or street name signs.

(b) Directional or informational signs, provided that such signs do not advertise any commercial establishment, and any such sign shall not exceed two (2) square feet in size.

(c) Signs erected by the Township and any of its boards, commissions, or agencies.

(d) Signs erected by the Commonwealth of Pennsylvania.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1911. Signs Permitted in A Agricultural District by Permit. In the A Agricultural District, the following types of signs shall be permitted by permit:

(a) Identification signs for farms, schools, churches, hospitals, institutions, and for public or private recreation areas, clubs or other similar uses, provided that the area of any such sign shall not exceed twenty-four (24) square feet.

(b) Temporary signs of contractors, architects, mechanics and artisans during the period such persons are performing work on the premises provided that

(1) The size of any such sign shall not exceed six (6) square feet.

(2) Not more than one (1) sign for each such mechanic, contractor or artisan shall be placed on any one (1) property on which such person is performing work, unless such property fronts upon more than one (1) street, in which event, each such mechanic, contractor or artisan may erect one (1) such sign on each street frontage.

(3) Such sign shall be removed promptly upon completion of the

work.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1912. Signs Permitted in A Agricultural District Without a Permit. In the A Agricultural District, the following types of signs shall be permitted without a permit:

- (a) Official traffic-related or street name signs.
- (b) Name, accessory use, and home occupation signs, including signs for roadside stands, indicating the name, profession, or activity of the occupant of a dwelling, provided that the area of any such sign shall not exceed four (4) square feet.
- (c) Directional, informational, or public service signs, provided that such signs do not advertise any commercial establishment, and any such sign shall not exceed two (2) square feet in size.
- (d) Signs erected by the Township and any of its boards, commissions, or agencies.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1913. Off-Premises Signs.

(a) Location of Off-Premises Signs. Off-premises signs which conform with the provisions of this Section shall be permitted only in the C-2 Highway Commercial and the L-2 Industrial Districts. In no event shall any portion of any off-premises sign be erected within one hundred (100) feet of any property zoned for or in residential use. No off-premises sign shall be erected within one thousand five hundred (1,500) feet of any other off-premises sign on the same side of any street. No off-premises sign shall be erected closer than ten (10) feet to a street right-of-way line or a property line. No off-premises sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(b) Area of Off-Premises Signs. The maximum area of an off-premises sign face shall be three hundred (300) square feet. The maximum length of an off-premises sign shall be twenty-five (25) feet. Temporary embellishments shall not exceed twenty (20) percent of the permanent sign area.

(c) Height of Off-Premises Signs. Off-premises signs shall not exceed an

overall height of twenty-five (25) feet above the adjacent ground elevation or forty (40) feet above the surface of the road, whichever is lesser in height.

(d) Spacing of Off-Premises Signs. Property facing roads and all other property that is zoned so as to permit the construction and maintenance of off-premise signs shall be subject to the following:

(1) Each side of a road shall be considered separately.

(2) V-type or back-to-back off-premises signs shall be considered one (1) sign.

(3) No two (2) off-premises signs shall be spaced less than one thousand five hundred (1,500) feet apart on any road.

(e) Lighting of Off-Premises Signs. Off-premises signs may be illuminated, subject to the following restrictions:

(1) Flashing devices and revolving or rotating beams or beacons of light that simulates emergency light devices shall not be permitted as part of any off-premises sign. However, illuminated signs that indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.

(2) The illumination of off-premises signs shall not create a general nuisance to adjoining properties and shall be effectively shielded so as to prevent beams or rays from being directed at any portion of adjacent roads and are not of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle. External lighting, such as floodlights, thin line, and goose neck reflectors, are permitted, provided the light source is directed downward on the face of the sign.

(3) The illumination of any sign within two hundred (200) feet of any property zoned for or in residential use shall be diffused or indirect in design to prevent direct rays of light from shining onto adjoining property.

(4) Off-premises signs shall not be illuminated between 11:00 p.m. and dawn, prevailing time.

(f) Off-Premises Sign Arrangement. When two (2) sign faces are utilized in a back-to-back arrangement, they shall be parallel and directly opposite sign faces, oriented in opposite directions, and located not more than fifteen (15) feet apart. When the V-type sign arrangement is used for two (2) sign faces, the sign

shall be located on a unipole support, so that when viewed from above, their faces are oriented in different positions forming the shape of the letter V. The sign faces shall not be located more than fifteen (15) feet apart at the closest point nor shall the interior angle be greater than forty-five (45) degrees.

(g) Construction Standards. All off-premises signs shall be constructed in accordance with the Building Code of the Township. The structural elements of all off-premises signs shall be constructed on a steel unipole support meeting the industry-wide standards as established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising. All newly erected off-premises signs shall conform to all other applicable Federal, State and local laws, rules, and regulations.

(h) Replacement of Existing Off-Premises Signs. The maintenance or replacement of off-premise signs existing prior to this Section shall be permitted, provided upgrades are in accordance with the Building Code of the Township.

(i) Maintenance of Off-Premises Signs. All off-premises signs shall be maintained in sound and safe structural condition. All painted portions of off-premises signs shall be kept in good condition. The general area in the vicinity of all off-premises signs on undeveloped property shall be kept free and clear of sign material debris.

(j) Removals. Abandoned off-premises signs shall be promptly removed.

(Ordinance No. 152, November 6, 2004, Section 20)

Section 1914. Signs Permitted in Highway Interchange Commercial Centers.

(a) Building Signs

(1) Front building signs, wall signs and permanent window signs shall be limited to a maximum of ten percent (10%) of the building front wall area, but in no case shall the total of all such signage on a front wall exceed one thousand (1000) square feet.

(2) Side Building Signs shall be limited to a maximum of three hundred (300) square feet and shall not be limited in number per use provided the total area of all side building signs does not exceed three hundred (300) square feet.

(b) Center Sign shall be a maximum of sixty feet (60') in height and four hundred fifty square feet (450 sq. ft.) on each side and shall be limited to one sign

per road frontage and/or access entry drive. Said sign(s) may be off-premises, as long as such sign is within five hundred (500) feet from the closest portion of the premises.

(c) Roadside Signs shall not exceed eight (8) feet in height above ground level, shall be a maximum of eighty square feet (80 sq. ft.) and shall be limited to a maximum of one sign per vehicle entrance to the Center, except that the total number of proposed signs may be increased and/or decreased, provided that the total square footage of the sum of the Roadside signage does not exceed the total square footage of Roadside signage permitted by the number of allowable Roadside signs.

(d) Direction Signs shall be a maximum of twenty square feet (20 sq. ft.).

(e) Lighting of Signs. Signs may be illuminated either internally or externally and shall be in conformance with all standards contained within this Chapter. Signs shall contain no flashing, laser, blinking, twinkling, animation or movement.

(f) The remainder of the provisions of Part 19 Shall apply.

(Ordinance No. 161, January 3, 2006, Section 10; as amended by Ordinance No. 173, January 2, 2007, Section 5; as further amended by Ordinance No. 190, December 6, 2008, Section 1)

Part 20

Outdoor Lighting

Section 2001. Purpose. To require and set minimum standards for outdoor lighting to:

- (a) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns;
- (b) Protect drivers and pedestrians from the glare of non-vehicular light sources;
- (c) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources;
- (d) Promote energy efficient lighting design and operation; and
- (e) Protect and retain the intended visual character of the various Tilden Township venues.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2002. Applicability.

- (a) All uses within the Township where there is interior or exterior lighting that creates a nuisance or hazard as viewed from outside, including, but not limited to, , commercial, industrial, public and private recreational/sports and institutional uses, and sign, , architectural and landscape lighting.
- (b) Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this Part.
- (c) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Part.

(Ordinance No. 194, July 11, 2009, Section 2)



Section 2003. Criteria.

(a) **Illumination Levels.** Lighting, where required by this Part, or otherwise required or allowed by the Township, shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the Township.

(b) **Light Power Densities.** Lighting shall conform to the exterior LPDs as set forth by the current edition of ASHRAE/IESNA 90.1 Standard.

(c) **Lighting Fixture Design.**

(1) Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the Township.

(2) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. In the case of decorative street lighting, the Township may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria.

(3) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.

(d) **Control of Glare.**

(1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the

windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights, when building, pole or otherwise installed above grade, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be reaimed and/or fitted with a shielding device to block the view of the glare source from that property.

(3) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of fixtures or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.

(4) Illumination for signs, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may be operated while the establishment is actually open for business, and until one-half hour after closing.

(5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(6) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.

(7) The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.

(8) Except as permitted for certain recreational lighting and permitted elsewhere in this Section, fixtures shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Fixtures not meeting full-cutoff criteria, when their use is specifically allowed by the Township, shall not be mounted in excess of 16' AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a fixture mounting height not to exceed 25' AFG. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" elsewhere in this Part.

(9) Only the United States and the state flag shall be permitted to be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so that it is not visible at normal viewing angles.

(10) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 initial footcandles and the maximum shall not exceed 30 initial footcandles.

(e) Installation

(1) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the NEC Handbook.

(2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other Township-approved means.

(3) Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.

(4) Poles and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the weights and wind loads involved.

(5) Pole foundations shall be designed consistent with the wind loads and local soil conditions involved.

(f) Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Part.

(g) Signs. The lighting of new or relighting of existing signs shall require a Sign Permit, which shall be granted when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

(1) Externally illuminated signs shall have fixtures mounted at the top of the sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign. External lighting such as floodlights, thin line, and goose neck reflectors are permitted provided the light source is directed downward on the face of the sign. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.

(2) Internally illuminated signs, the aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.

(3) The illumination of any sign within two hundred (200) feet of any property zoned for or in residential use shall be diffused or indirect in design to prevent direct rays of light from shining onto adjoining property. Off-premises signs shall be extinguished automatically by a programmable controller, with astronomical and daylight savings time control and spring or battery power-outage reset, by no later than 11:00 each evening until dawn, prevailing time, except that signs for establishments (not companies) that operate or remain open past 11:00 p.m. may remain on no later than ½ hour past the close of the establishment.

(4) The illumination of off-premises signs shall not create a general nuisance to adjoining properties and shall be effectively shielded so as to prevent beams or rays from being directed at any portion of adjacent roads and are not of such a brightness to cause glare or impair the vision of the driver of any motor vehicle.

(5) Flashing, blinking, twinkling, animated or moving signs of any type, except emergency signs, those related to road or other construction activities and those portions of signs that indicate time and/or temperature. LED billboard and sign lighting shall only be permitted in commercial and industrial districts, shall be static and shall not be allowed to operate between 11:00 p.m. and dawn when located where visible from a residential district or use. Except for time and weather signs, the message shall not be permitted to change more than once in each 1-hour period. The LED output shall be automatically reduced to a brightness level that does not create glare during hours of darkness.

(6) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2004. Residential Subdivision Fixture Placement.

(a) For residential subdivisions, when required by the Township Supervisors, street lighting shall be provided at:

(1) the intersection of public roads with entrance roads to the proposed development;

(2) intersections involving proposed public or non-public major-thoroughfare roads within the proposed development;

(3) the apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a radius of 300 feet or less;

(4) cul-de-sac bulbs;

(5) terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater;

(6) defined pedestrian crossings located within the development;  
and

(7) At other locations along the street as deemed necessary by the Board of Supervisors.

(b) Where lot sizes permit the parking of less than three (3) vehicles on the residential lot, thereby necessitating on-street parking, street lighting may be required along the length of the street.

(c) In multi-family developments, common parking areas of 4 spaces or greater shall be illuminated.

(d) In residential developments with lots of less than twenty thousand (20,000) square feet, where five (5) or more common contiguous parking spaces are proposed, such spaces shall be illuminated.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2005. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

(a) Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal projection of illumination, shall not be permitted to be artificially illuminated.

(b) Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use.

(c) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m.

(d) Maximum mounting heights for recreational lighting shall be in accordance with the following:

Basketball	20'
Football	70'
Soccer	70'

Little League Baseball	
200' Radius	60'
300' Radius	70'
Miniature Golf	20'
Swimming Pool Aprons	20'
Tennis	20'
Track	20'

(e) To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required under Section 2006 below but also by a visual impact plan that contains the following:

(1) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.

(2) Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.

(3) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.

(4) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Part.

(5) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.

(6) A narrative describing the measures proposed to achieve minimum off-site disturbance.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2006. Plan Submission. Where site lighting is required by this Part, is otherwise required by the Township or is proposed by Applicant, lighting plans shall be submitted for Township review and approval for Subdivision & Land Development, Conditional Use, Variance, Building Permit, Zoning Permit and Special Exception

applications. The submitted information shall include the following:

(a) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing fixtures, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp, photometry and type.

(b) A 20'x20' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Part or as otherwise required by the Township. When the scale of the plan, as judged by the Township, makes a 20'x20' grid plot impractical, a smaller grid spacing may be permitted.

(c) The maintenance (light-loss) factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.

(d) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

(e) When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

(f) When requested by the Township, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Township. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.

(g) Plan Notes. The following notes shall appear on the Lighting Plan:

(1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to Tilden Township for review and approval. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment and lighting plans,



including a point-by-point plot, as required, that demonstrate full compliance with the Township-approved plan.

(2) Tilden Township reserves the right to conduct post-installation inspections to verify compliance with the Part requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.

(3) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.

(4) Installer shall notify Tilden Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2007. Compliance Monitoring.

(a) Safety Hazards.

(1) If the Township judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.

(2) If appropriate corrective action has not been effected within fifteen (15) days of notification, the Township may take appropriate legal action.

(b) Nuisance Glare and Inadequate Illumination Levels.

(1) When the Township judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Part, the Township may cause notification of the person(s) responsible for the lighting and require appropriate remedial action within thirty (30) days to comply with effective action.

(2) If the infraction so warrants, the Township may act to have the problem corrected as in Section 2007(a)(2) above.

(Ordinance No. 194, July 11, 2009, Section 2)

Section 2008. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Part that does not conform with the requirements of this Part shall be considered as a lawful nonconformance.

(a) A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Part when:

- (1) Minor corrective action, such as reaiming or shielding can achieve conformity with the applicable requirements of this Part;
- (2) It is deemed by the Township to create a safety hazard;
- (3) It is replaced by another fixture or fixtures or abandoned or relocated;
- (4) The number of fixtures is increased by 50% or more; and
- (5) There is a change in use.

(b) Regardless of the requirements Section 2008(a) above, nonconforming lighting fixtures and lighting installations shall be made to conform to the requirements of this Part or removed within three (3) years from the effective date of this Part.

(Ordinance No. 194, July 11, 2009, Section 2)

PART 21

Administration

Section 2101. Zoning Officer.

(a) Appointment. The Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Chapter. Compensation of the Zoning Officer shall be established by the Township Supervisors. The Zoning Officer shall not hold any elective office in the Township.

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

(1) Receive applications for zoning and/or building and sign permits and issue zoning and/or building and sign permits as set forth in this Chapter.

(2) Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain.

(3) Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.

(4) Issue permits for buildings, structures and land uses for which subdivision and land development approval is required only after all necessary approvals have been secured and plans recorded.

(5) Issue permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Township Sewage Enforcement Officer.

(6) Issue permits for special exception uses or for variances only

after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.

(7) Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.

(8) Be responsible for keeping this Chapter and the Official Zoning Map up to date so as to include all amendments thereto.

(9) Issue Certificates of Use and Occupancy in accordance with the terms of this Chapter.

(10) Register identified non-conforming structures and uses created as a result of the adoption of this Chapter and the Official Zoning Map, or created as a result of amendments thereto, if directed to do so by the Township Supervisors.

(11) Submit a monthly report of his activities to the Township Supervisors and Township Planning Commission.

(12) When directed by the Township Supervisors, send enforcement notices as provided in the Pennsylvania Municipalities Planning Code, as amended.

(13) Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the officers employment, when authorized by the Township Supervisors.

(Ordinance No. 122, July 2, 1998, Section 1800; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2102. Zoning Permit.

(a) Requirements. No building or structure, shall be erected, constructed, assembled, extended, moved, or added to nor shall land, buildings and structures be put to any use or additional use or have their use changed without a permit therefor issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Chapter, except upon written order from the

Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction. No zoning permit will be required merely because of the sale or lease of a previously existing single-family dwelling.

(b) Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building structure or land or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall include a written statement by a registered engineer or surveyor that all street lines on the plan have been accurately staked out in the ground and be accompanied by two (2) sets of at least the following information:

(1) A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.

(2) The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures.

(3) A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.

(4) The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting.

(5) The location of all utility lines, the method of proposed water supply and sewage disposal, and the location of any on-lot facilities.

(6) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

(c) Approval or Disapproval. Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Chapter and all other Township Ordinances. Within thirty (30) days from the day he receives the application the Zoning Officer shall either approve or disapprove the application and return one (1) copy of the application and accompanying information containing the Zoning Officers decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

(d) Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for one (1) year periods not exceeding a total of two (2) years. A Zoning and/or Building Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within one (1) year of issuance of the permit.

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

(Ordinance No. 122, July 2, 1998, Section 1801; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2103. Zoning Compliance Certificate.

(a) Requirements. It shall be unlawful to use and/or occupy any building, structure or land or portion thereof, not including accessory buildings and detached garages associated with residential uses, for which a zoning and/or building permit is required until a Zoning Compliance Certificate has been issued by the Zoning Officer. The Zoning Officer shall not issue a Zoning Compliance Certificate unless he has inspected such building, structure or land and has determined that all provisions of this Chapter and other rules, regulations and ordinances of the Township have been complied with.

(b) Issuance. Upon the receipt of notification that the work for which a Zoning and/or Building Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal.

For uses for which performance standards are imposed by this Chapter, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the Certificate of Use and Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

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

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

(Ordinance No. 122, July 2, 1998, Section 1802; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2104. Schedule of Fees, Charges and Expenses. The Township Supervisors shall establish, by resolution, a schedule of fees and charges for requests for Zoning and/or Building Permits, Certificates of Use and Occupancy, special exceptions, variances, amendments to this Chapter and other matters pertaining to this Chapter. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter. (Ordinance No. 122, July 2, 1998, Section 1803; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2105. Amendments. The provisions of this Chapter and the Official Zoning Map may, from time to time, be amended, supplemented or changed by the Board of Supervisors, pursuant to the following procedure:

(a) Procedure. The following procedures shall be observed prior to making any amendment or change to this Chapter or parts thereof, including the Official Zoning Map:

(1) Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing the Township Supervisors hold on the amendment to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing. The Planning Commission shall review each amendment against the Comprehensive Plan for the Township.

(2) All proposed amendments to this Chapter shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.

(b) Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township may be required, at the option of the Planning Commission with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

(1) Environmental Impact. The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.

(2) Traffic Impact. The impact on traffic generated per day and at peak hours, including numbers and routes expected to be used. An analysis of



traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

(3) Services Impact. The demand for school, police, sewer, water, sanitation and road maintenance services.

(c) Public Hearing. Before voting on the enactment of an amendment, the governing body shall hold a public hearing, 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 tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

If, after any public hearing held upon an amendment or change, the proposed amendment or change is changed substantially or is revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code.

(d) Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code.

The Hearing shall be conducted in accordance with the Pennsylvania Municipalities Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Governing Body provided, however, that the deemed approval provisions of Section 908 of the Pennsylvania Municipalities Planning Code shall not apply and the provisions of Section 916.1 of the Pennsylvania Municipalities Planning Code shall control. If the Township does not accept a Landowner's Curative Amendment brought in

accordance with the Pennsylvania Municipalities Planning Code 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 relate to the Landowner's Curative Amendment and Challenge.

(Ordinance No. 122, July 2, 1998, Section 1804; as amended by Ordinance No. 143, October 9, 2002, Sections 8, 9 and 10; as further amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2106. Conditional Uses.

(a) Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application and any other information necessary to allow the Township Board of Supervisors to determine that all requirements of this Chapter have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

(b) Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable Zoning District requirements and general regulations established by this Chapter. In addition, the following standards shall be met:

(1) The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.

(2) The use conforms with the goals, objectives and policies of the Township Comprehensive Plan.

(3) The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.

(4) The use conforms with all pertinent State and Federal laws, regulations and requirements.

(5) Services and utilities shall be made available to adequately service the proposed use.

(6) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(7) The use is appropriate to the site in question.

(8) The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

(c) The Board of Supervisors shall either approve or disapprove the application within forty-five (45) days after the date of the last hearing by the Board of Supervisors.

(d) The Township Board of Supervisors may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

(e) The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

(f) The approval of a conditional use, if authorized by the Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the conditional use should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the conditional use be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(Ordinance No. 161, January 3, 2006, Section 11; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2107. Conditional Use Hearings by the Board of Supervisors. The board shall conduct hearings and make decisions in accordance with the following requirements:

(a) Public notice shall be given and written notice shall be given to the applicant, the zoning officer, the planning commission, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance

provision, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(1) The governing body may prescribe reasonable fees with respect to hearings before the boards. Fees for said hearings may include compensation for the secretary and members, notice and advertising costs, legal expenses, engineering expenses, architectural and other technical consultants and expert witness costs, and necessary administrative overhead connected with the hearing.

(2) The first hearing before the board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. 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.

(b) The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.

(c) 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.

(d) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(e) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

(g) The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

(h) 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 date of hearings with any party or his representative unless all parties are given an opportunity to be present.

(i) 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 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written

representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under validity or substantive questions, where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Subsection (a)(2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Subsection (A). If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

(Ordinance No. 161, January 3, 2006, Section 11; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2108. Enforcement Notice.

(a) If it appears to the Township Supervisors that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.

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

(c) An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Township intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter and the Municipalities Planning Code.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanction clearly described.

(Ordinance No. 122, July 2, 1998. Section 1805; as amended by Ordinance No. 161, January 3, 2006, Section 12; as further amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2109. Enforcement Remedies.

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than One Thousand Dollars (\$1,000) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no 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 Chapter shall be paid over to the Township.

(b) In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Chapter, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be

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substantially effected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the Complaint on the secretary of the Board of Supervisors. No such action may be maintained until such notice has been given.

(Ordinance No. 122, July 2, 1998, Section 1806; as amended by Ordinance No. 161, January 3, 2006, Section 12; as further amended by Ordinance No. 194, July 11, 2009, Section 2)



PART 22

Zoning Hearing Board

Section 2201. Establishment and Membership. A Zoning Hearing Board, consisting of five (5) members appointed by the Supervisors for overlapping terms of five (5) years each, is established for the purpose of carrying out the functions of a Zoning Hearing Board as provided by law. Members of the Board shall be residents of the Township. (Ordinance No. 122, July 2, 1998, Section 1900; as amended by Ordinance No. 143, October 9, 2002, Section 11; as further amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2202. Organization of Zoning Hearing Board. The Board shall elect a chairman from its membership, and, within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. (Ordinance No. 122, July 2, 1998, Section 1901; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Procedures Before This Board

Section 2203. Hearings. The Board shall meet as needed to hear and consider all such matters which shall properly come before it. All such meetings shall be open to the public.

The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing 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. (Ordinance No. 122, July 2, 1998, Section 1902; as amended by Ordinance No. 143, October 9, 2002, Section 12; as further amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2204. Persons Entitled to Initiate Action Before the Board. Appeals from the Zoning Officer pursuant to Section 2117 hereof may be filed by any officer of agency of the Township or by any person aggrieved. Request for a variance under Section 2119 and for a special exception under Section 2120 hereof may be filed by any landowner or tenant with the permission of such landowner. (Ordinance No. 122, July 2, 1998, Section 1903; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2205. Manner of Initiating Action Before the Board. All action before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer at least two (2) weeks prior to the meeting at which the particular matter is

to be heard. All applications shall be made on forms specified by the Board, and no application form shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached. (Ordinance No. 122, July 2, 1998, Section 1904; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2206. Time Limitations. All appeals from the Zoning Officer and all requests for variances, and special exceptions, as provided in Section 2117 and 2119 hereof, respectively, shall be filed within thirty (30) days following the refusal of the Zoning Officer to grant a Building Permit. (Ordinance No. 122, July 2, 1998, Section 1905; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2207. Notice of Hearings. Notice of the time and place of all hearings shall be given by mail to the applicant and to all persons who shall own real estate within five hundred feet (500') of any property which shall be the subject of the application. Notice of the hearing of any particular applications shall also be given; to any person who shall timely request the same in writing, such request to be accompanied by a fee in the sum of Five Dollars (\$5.00). Notice of the time and place of all hearings shall be given by publishing the same in a newspaper of general circulation within the Township. All notices required by this Section shall be given at least five (5) days prior to the date of the hearing for which notice is given. (Ordinance No. 122, July 2, 1998, Section 1906; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2208. Parties. Parties to any hearing shall be any person entitled to notice under Section 2117 without special request therefor who has given timely appearance of record before the Board and any other person permitted to appear by the Board. (Ordinance No. 122, July 2, 1998, Section 1907; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2209. Witnesses. The chairman or acting chairman of the Board 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 the witnesses and documents requested by the parties. (Ordinance No. 122, July 2, 1998, Section 1908; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2210. Representation. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross examine adverse witnesses on all relevant issues. (Ordinance No. 122, July 2, 1998, Section 1909; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2211. Rules of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitions evidence may be excluded. (Ordinance No. 122, July 2, 1998, Section 1910; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2212. Record. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. (Ordinance No. 122, July 2, 1998, Section 1911; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2213. Communications. The Board or the Hearing Officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to 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. "Board" as used herein shall include not only the members but also any secretary, clerk, legal counsel or consultant of the Board. (Ordinance No. 122, July 2, 1998, Section 1912; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2214. Decisions. The Board shall render a written decision or, when no decision is called for, make written findings on an application within forty-five (45) days of the hearing thereon. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of any statute, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board has power to render a decision and fails to do so within the forty-five (45) day period above prescribed, the decision shall be deemed to have been rendered in favor of the applicant. (Ordinance No. 122, July 2, 1998, Section 1913; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2215. Copies of Decisions. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined. (Ordinance No. 122, July 2, 1998, Section 1914; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2216. Appeals to the Courts. Zoning appeals may be taken to the court by any party before the Board or any officer or agency of the Township, as provided by law. (Ordinance No. 122, July 2, 1998, Section 1915; as amended by Ordinance No. 194, July 11, 2009, Section 2)

## Functions Of The Board

Section 2217. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Chapter or the Map. (Ordinance No. 122, July 2, 1998, Section 1916; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2218. Challenge to the Validity of this Chapter or Map. The Board shall hear challenges to the validity of this Chapter or the Map, except on alleged defect in the process of enactment or adoption of any ordinance or map. The Board shall take evidence and make a record thereon as herein prescribed. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court. (Ordinance No. 122, July 2, 1998, Section 1917; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2219. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the appellant. The Board may grant a variance provided 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 of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter 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 this Chapter 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) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. (Ordinance No. 122, July 2, 1998, Section 1918; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2220. Special Exceptions. Where this Chapter has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of and this Chapter. (Ordinance No. 122, July 2, 1998, Section 1919; as amended by Ordinance No. 194, July 11, 2009, Section 2)

Section 2221. Referral to the Township. The Board shall refer all applications for relief to the Township Board of Supervisors and the Planning Commission for review. In its review of Special Exception applications, the Planning Commission shall determine compliance with the standards and criteria set forth in this Chapter. The Board of Supervisors and the Planning Commission may report any findings and recommendations in writing to the Zoning Hearing Board. (Ordinance No. 152, November 6, 2004, Section 21; as amended by Ordinance No. 194, July 11, 2009, Section 2)

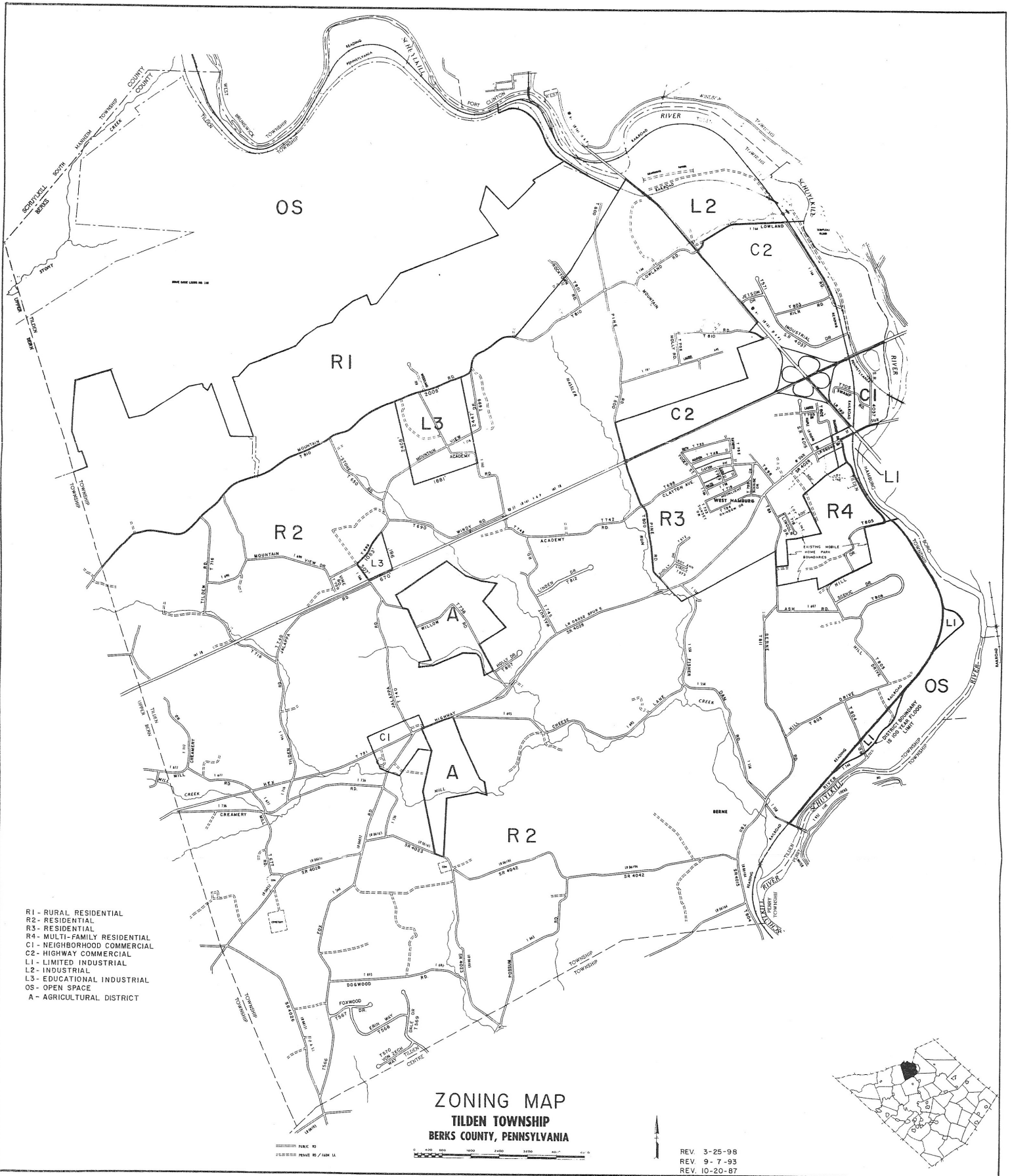
PART 23

Miscellaneous

Section 2301. Severability. The provisions of this Chapter shall be severable, and if any provisions shall be held to be unconstitutional, invalid or illegal by any Court of Competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter. It is hereby declared as legislative intent that this Chapter would have been enacted if such unconstitutional, invalid or illegal provisions had not been included therein. (Ordinance No. 122, July 2, 1998, Section 2000; as amended by Ordinance No. 194, July 11, 2009, Section 2)

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Section 2302. Zoning Map. (Ordinance No. 122, July 2, 1998, Section 201; as amended by Ordinance No. 128, April 3, 2000, Section 1; as further amended by Ordinance No. 144, October 9, 2002, Section 6; as further amended by Ordinance No. 143, October 9, 2002, Section 17; as further amended by Ordinance No. 161, January 3, 2006, Section 13)



- R1 - RURAL RESIDENTIAL
- R2 - RESIDENTIAL
- R3 - RESIDENTIAL
- R4 - MULTI-FAMILY RESIDENTIAL
- C1 - NEIGHBORHOOD COMMERCIAL
- C2 - HIGHWAY COMMERCIAL
- L1 - LIMITED INDUSTRIAL
- L2 - INDUSTRIAL
- L3 - EDUCATIONAL INDUSTRIAL
- OS - OPEN SPACE
- A - AGRICULTURAL DISTRICT

**ZONING MAP**  
**TILDEN TOWNSHIP**  
**BERKS COUNTY, PENNSYLVANIA**

----- PUBLIC RD  
 - - - - - PRIVATE RD / HIGHWAY



REV. 3-25-98  
 REV. 9-7-93  
 REV. 10-20-87

