

ARTICLE 5
NATURAL RESOURCE CONSERVATION

501. PURPOSES.

- 501.A. To preserve and protect areas which are naturally unsuitable for development or which provide valuable watershed and ecosystem benefits and wildlife habitat including greenway corridors, watercourses, riparian buffers and woodlands.
- 501.B. To promote protection of local watersheds and critical aquifers, and the quality of groundwater and surface waters.
- 501.C. Carry out the natural resources objectives of the Joint Comprehensive Plan.
- 501.D. Define and delineate selected natural resources within the municipalities and establish resource conservation standards to assist the municipalities in reducing the impact proposed uses will have on the environment and to establish procedures whereby landowners will be made aware of the municipalities' resource protection objectives.

502. APPLICABILITY OF THIS ARTICLE; OVERALL NATURAL RESOURCE REQUIREMENTS WITHIN PIKE AND COLEBROOKDALE TOWNSHIPS.

502.A. Exceptions and Interpretation.

- 1. Sections 501 to 508 shall not apply:
 - a. within the Borough of Boyertown,
 - b. within *the GC* zoning district,
 - c. to disturbance of or construction on land areas that were previously occupied by a building(s), man-made hard surfaces and/or paving, such as a redevelopment project, and provided that: 1) there is no new building foundation within Riparian Zone One, and 2) there is compliance with Floodplain regulations.
- 2. Minor Disturbance Exception – This subsection “2” allows a one-time land disturbance of up to 2,000 square feet of total combined land area of all affected hydric soils, steep slopes, woodlands and riparian buffer areas per existing lot. This exception shall only be allowed to provide for an expansion of an existing building and its customary accessory structures and uses. Disturbance allowed under this subsection “2” is not required to show compliance with Sections 503, 505, 506 and 508.
 - a. This subsection “2” shall not be used to allow the construction of a new basement or septic system in areas of hydric soils.
 - b. This subsection “2” shall only allow this exception on a lot that existed at the time of enactment of this Article, as opposed to lots created at a later date.
 - c. In no case shall this subsection “2” allow an exception within Riparian Zone One; except that this subsection “2” may apply to improvements without a foundation that do not involve a new principal building.
- 3. In the event that the provisions of this Article and any other provisions of this Ordinance or another municipal ordinance are in conflict regarding the same matter, the more restrictive provisions upon development or use shall apply.

- 502.B. In the event that two or more natural resource areas identified in this Article occur on the same lot or tract, disturbance limitations shall be measured separately. Where such resource areas overlap, the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.
- 502.C. It shall be a violation of this Ordinance to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Article prior to the submission, review, and approval of any applicable application for zoning or building permit(s), conditional use or special exception approval, zoning variance, or subdivision or land development plan(s).
- 502.D. Limitations to the disturbance of resources shall apply before, during, and after construction on a site.
- 502.E. Disturbance limitations, established as a maximum percentage of permitted disturbance, shall be applied concurrently as a percentage of each applicable resource area to the extent that it is present on the entirety of any tract or any lot. Any area of resource overlap shall be measured as part of the resource with the most restrictive disturbance limitation.
1. For example, if disturbance of 25% of a particular resource area is permitted, then it shall apply as 25% of the total area of that resource on the applicable lot or tract.
- 502.F. Disturbance limitations shall be applied based on the occurrence of identified resource areas at the time of adoption of this Article. Disturbance permitted over time in multiple applications on the same lot or tract shall be measured against the same overall limitations established at the time of the first application after the adoption of this Article. For example, if applicable disturbance limitations for a particular resource permit two acres of disturbance, and one acre of disturbance is permitted upon the first application after the adoption of this Article, then only one acre shall remain to be permitted for future disturbance of the applicable resource regardless of the total number of applications over the years.
- 502.G. Regulations and disturbance limits for each specific resource area set forth in this Article shall be complied with as applicable. The following summary table is provided as an overview of disturbance limitations. In certain cases as provided herein, exceptions or potential modifications may apply.

Resource Area	Maximum Percent of Resource Land Area that May be Disturbed
100 Year Floodplain	0 %
Very Steep Slopes (25% or greater)	5 %
Moderately Steep Slopes (15% or greater, but less than 25%)	25 %
Steep Slope Margins(which shall only be regulated within Pike Township)	25 %
Wetlands	0 %
Zone One – Inner Riparian Buffer	0 %

Resource Area	Maximum Percent of Resource Land Area that May be Disturbed
Zone Two – Outer Riparian Buffer	10 %
Zone Three – Riparian Buffer in Watersheds of Special Protection Waters	15%
Heritage Trees (such trees shall only be regulated within Pike Township)	0 %
Class I Woodlands (See the Woodlands Classification Map; such features shall only be regulated within Pike Township)	10 %
Class II Woodlands (such features shall only be regulated within Pike Township)	20 %
Class III Woodlands (Such features shall only be regulated within Pike Township)	30 %
<i>Woodlands on a Site in Colebrookdale Township</i>	<i>40%</i>

502.H. Agricultural Exception to Natural Resource Conservation Standards. Disturbance or removal of woodland, hedgerow, or old-field vegetation may be excepted from the definitions of “land disturbance” and “woodland disturbance” for the purposes of regulating such resources if such disturbance or removal is for the sole purpose of expanding or continuing agricultural use on an existing agricultural property or on adjacent property into which an existing agricultural operation may be expanded, provided this exception shall not apply to disturbance or removal of vegetation within any wetland, Zone One Inner Riparian Buffer or on Very Steep Slopes.

502.I. Plan Information and Delineation of Natural Resources.

1. To ensure compliance with the natural resource conservation standards of this Article, the following information shall be submitted by any Applicant applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated. See also the forestry provisions in Section 402, which may require a forestry plan. In those cases where only a limited amount of the site will be subject to disturbance, the Zoning Officer may determine the area of land required to be shown on the plan such that information submitted will adequately demonstrate compliance with the natural resource conservation standards of this Article. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the Applicant as to why it is not necessary to include the entire site with the plan information.
 - a. A site plan which identifies the limits of all natural resources on the site, including areas of woodlands or other vegetation to be preserved, and the proposed use of the site including any existing or proposed structures.
 - b. The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours.
 - c. Calculations indicating the area of the site comprising each of any regulated natural resources and the area of each of such natural resources that would be disturbed or encroached upon. The calculations shall be shown on submitted plan sheet(s).
 - d. Deed restrictions, conservation easements, or other mechanisms proposed to ensure continued resource protection where applicable and subject to Township approval.

2. Information submitted to demonstrate compliance with this Article shall be verified as correct by the Township Engineer or the Township’s other designated professional.

502.J. Modifications to Natural Resource Conservation Standards.

1. Reasonable modification(s) to a provisions of this Article may be requested in the form of an application for grant of a Special Exception by the Zoning Hearing Board. Such applications *shall be submitted to the applicable Township Planning Commission and the Governing Body* for any review and comment at least 20 days prior to the Special Exception hearing before the Zoning Hearing Board. Such special exception may be granted if all of the following specific standards are met:
 - a. The applicant shall prove to the Board that the specific nature of the lawful use or activity, existing site conditions, and/or safety considerations warrant such modification(s), and that the resource protection purposes of this Article 5 will be adhered to, to the maximum extent practicable.
 - b. The applicant shall show that an alternative standard will be used that will serve the same purposes.
 - c. This section shall not authorize a modification to increase the density of development beyond what is otherwise allowed.
 - d. Under this modification provision, the maximum disturbance within a Riparian Buffer may be approved to be increased up to the following percentages in the applicable Riparian Buffer Zones:
 - 1) One - No modification allowed under this Section.
 - 2) Two - Up to 20 percent of such areas may be approved to be disturbed, and provided the exception does not involve a new principal building with a foundation .
 - 3) Three - Up to 25 percent of such areas may be approved to be disturbed.
2. The process provided in Section 502.J.1. may also be used if applicant submits a professional study or other credible evidence to prove that an area does not include a specific natural resource. If such study is accepted by the Zoning Hearing Board, after a review by the Township Engineer, then the regulations of this Article 5 for that resource shall not apply within such area.

503. STEEP SLOPE CONSERVATION.

- 503.A. Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, land disturbance shall be kept to the minimum necessary and, in no case, shall it exceed the following permitted disturbance limits:
1. Moderately Steep Slopes (15% or greater slope, but less than 25%) – No more than 25 percent of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or subject to land disturbance. Provision for on-lot sanitary facilities shall not be made within areas of moderately steep slopes unless such facilities are specifically designed to compensate for the topographic conditions of the subject site and such design has been approved by the Sewage Enforcement Officer.

2. Steep Slope Margins – No more than 25 percent of steep slope margins shall be regraded, cleared, built upon, or otherwise altered or subject to land disturbance except in accordance with an approved landscape plan. Steep slope margins shall only be regulated within Pike Township.
 3. Very Steep Slopes (25% or greater slope) – No more than 5 percent of very steep slopes shall be regraded, cleared, built upon, or otherwise altered or subject to land disturbance. In addition, land disturbance permitted on very steep slopes shall be limited to the following activities:
 - a. Forestry, when conducted in compliance with the forestry provisions in Section 402. Clearcutting or grubbing of trees is prohibited on natural slopes exceeding 15 percent.
 - b. Grading for the minimum portion of a driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated to the satisfaction of the Township that no other routing is practicable, but excluding sewage disposal systems.
 - c. Hiking and riding trail(s) of minimum adequate width(s), where developed so as to minimize potential erosion, follow existing topographic contours to the greatest degree practicable, and where using unpaved surfaces to the maximum practicable extent.
- 503.B. All permitted buildings or structures shall be constructed in such a manner as to provide for the least alteration necessary of the existing grade, vegetation, and natural soils condition.
- 503.C. A grading plan shall be provided identifying the existing contours of the site, proposed finished grades, and the proposed location of all buildings and structures. Locations for all stockpiled earth, stone, and other materials shall be shown on the plan and shall not be located within the drip line of any trees intended to remain post permitted disturbance.
- 503.D. New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads.
- 503.E. See cut and fill regulations in the Subdivision and Land Development Ordinance. Finished slopes of permitted cut and fill shall not exceed 33 percent slope unless the applicant can demonstrate the method by which steeper slopes will be stabilized and maintained adequately.
- 503.F. Any stockpile(s) of earth intended to be stored for more than 21 days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer. Any disturbed areas of Very Steep Slope and any cut and fill resulting in slopes of greater than 20 percent shall be protected with an erosion control blanket.
- 503.G. Any land disturbance shall be in compliance with the erosion and sedimentation control standards of the applicable Subdivision & Land Development Ordinance and PA DEP Title 25, Ordinance 102. All applicants shall refer to the PA DEP Erosion and Sediment Pollution Control Program Manual, or latest addition, for applicable erosion and sediment control standards. Where applicable, in the context of any application before the Township, any applicant shall permit inspection of erosion and sedimentation controls by designated personnel of both the Township and the Berks County Conservation District.

1. An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the applicable Subdivision & Land Development and/or Stormwater Ordinance.
2. The plan shall demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.

503.H. Where the following information has not been previously submitted as part of a subdivision or land development plan application, such information shall be submitted to the Township with building permit, conditional use, special exception, or zoning applications, when applicable:

1. The adequacy of access to the site for emergency vehicles shall be subject to review by the municipally-designed fire official. The necessary information shall be submitted by the applicant to such official for his/her review.
2. Grading Plan and Erosion and Sedimentation Control Plans.

503.I. Any Grading Plan or Erosion and Sedimentation Control Plan submitted pursuant to the requirements herein shall include provisions for landscaping or re-vegetation of all disturbed soils post disturbance as well as any existing unstable soils or areas of poor vegetative cover regardless of disturbance.

503.J. Slopes that the applicant proves were clearly man-made prior to the effective date of this Article are not regulated by this Article. Such evidence may be provided by showing evidence of past re-grading, construction, quarrying or similar activities, or historic contour mapping.

504. WETLANDS CONSERVATION.

504.A. Wetlands shall not be regraded, disturbed, filled, piped, diverted, channeled, built upon, or otherwise altered or subject to land disturbance, including for purposes of access or utility crossings, except where all applicable permits have been obtained and copy thereof submitted to the Township.

504.B. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers in regard to wetlands also shall concurrently provide to the Township a copy of such correspondence.

504.C. Where permitted subject to applicable regulation and as otherwise provided herein, sewers or other liquid transport pipelines shall only be permitted to cross wetlands on the minimum traversal distance and where every precaution shall be taken to prevent leaks and to prevent any possible draining of the wetland (such as water flowing through or along any pipe or trench). At the expense of the applicant, the Township may require periodic inspection of applicable systems and facilities, including but not limited to x-ray of steel welds and pressure testing of pipelines.

- 504.D. Wetlands shall be staked in the field during the subdivision or land development review process and prior to any construction in the immediate area.
- 504.E. Where a jurisdictional determination or full wetland delineation report is required to comply with state or federal regulation, or where requested by the Township, any applicant shall provide the Township with a full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications, subject to the following:
1. Where there is any question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.
 2. Such a professional shall certify that the methods used correctly reflect the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consultant hired by the Township.
 3. The wetland report submitted to the Township shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.
- 504.F. Buffers. See also wetland buffers in Section 506.
- 504.G. Lot Area. Wetlands shall not be used towards meeting minimum lot area requirements if the total lot area of the lot is three acres or less.

505. CONSERVATION OF HYDRIC SOILS *WITHIN PIKE TOWNSHIP.*

- 505.A. *This section 505 shall only apply within Pike Township.* With the exception of those uses or activities listed below, and where not otherwise regulated more restrictively under the provisions of this Ordinance, no more than 15 percent of any Hydric Soil shall be regraded, filled, built upon, or otherwise altered or subject to land disturbance:
1. Regulated activities permitted by the Department of Environmental Protection (such as permitted stream or wetland crossing), or activities that need to be completed as part of a cleanup of environmental contamination;
 2. Provision for trail and trail access where approved by the Township;
 3. Selective removal of hazardous or invasive vegetation; or
 4. Vegetation management in accordance with an approved landscape plan or open space management plan.
- 505.B. Notwithstanding the 15 percent disturbance limitation set forth above, the following regulations shall apply to Hydric Soils:

1. No structures for human use or habitation or for regular animal occupancy shall be constructed in any area of soil where the seasonal high water table is within one foot of the surface;
2. No subsurface sewage system shall be constructed within any area of Hydric Soil.
3. No road, driveway, or emergency access shall cross any area of Hydric Soil except where providing necessary access which clearly is otherwise impracticable and only where drainage, adequate base preparation, and paving approved by the Township Engineer shall be provided.

506. RIPARIAN BUFFER CONSERVATION (INCLUDES WETLAND BUFFERS).

Note - Section 202 includes the following definitions for the Riparian Buffer Areas:

- Zone One: Inner Riparian Buffer - This zone occupies areas of land 50 feet from each edge of a wetland and 50 feet from each edge of water of a watercourse at bankflow, whichever is greater. Where very steep slopes are located within and beyond such width, Zone One shall extend to include the entirety of the very steep slopes up to a maximum of 100 feet from the watercourse or 50 feet from the wetland, whichever is greater.
- Zone Two: Outer Riparian Buffer - This zone occupies areas of land 100 feet from each edge of water of a watercourse at bankflow, but does not include areas within the Zone One.
- Zone Three: Special Protection Waters - This zone applies within watersheds of waterways that have been designated by the Pennsylvania Department of Environmental Protection as Exceptional Value or High Quality special protection waters. This zone occupies areas of land 100 feet from each edge of a wetland and 300 feet from each edge of water of a watercourse at bankflow, whichever is greater, but does not include areas within Zones One or Two.

506.A. Zone One – Inner Riparian Buffer – No land disturbance shall be permitted within the Zone One Riparian Buffer, except for uses or activities listed below:

1. Regulated activities permitted by the Department of Environmental Protection (such as permitted stream or wetland crossing), or activities that need to be completed as part of a cleanup of environmental contamination;
2. Provision for trail and trail access where approved by the Township with minimum disturbance to existing woodland vegetation;
3. Installation of fencing consistent with Section 403;
4. Selective removal of hazardous or invasive vegetation; or
5. Vegetation management in accordance with an approved landscape plan or open space management plan.
6. Where approved by the Township, level spreading devices for stormwater management are allowed in a Zone One Riparian Buffer if they are designed in accordance with the Stormwater regulations and if they are not within 15 feet of any wetland, watercourse or water body..

- 506.B. Zone Two – Outer Riparian Buffer – No more than a total of 10 percent of a Zone Two Riparian Buffer shall be regraded, filled, built upon, covered with impervious surfaces, used for allowed business outdoor storage, or otherwise altered or subject to land disturbance, except for the following activities:
1. Activities permitted in the Zone One Riparian Buffer.
 2. Forestry, in compliance with Section 402.
- 506.C. Zone Three – Riparian Buffer Within Watersheds of DEP-Designated Special Protection Waters - No more than a total of 15 percent of a Zone Three Riparian Buffer shall be regraded, filled, built upon, covered with impervious surfaces, used for allowed business outdoor storage, or otherwise altered or subject to land disturbance, except for the following activities:
1. Activities permitted in the Zone One Riparian Buffer.
 2. Forestry, in compliance with Section 402.
- 506.D. Within Pike Township, no new building with a foundation shall be allowed in Zones One, Two or Three. Within Pike Township, the total amount of the Zone Two and Three land areas on each lot that are allowed to be disturbed under Section 506.B. and C. shall not exceed 20,000 square feet. Within Zone Three, where such a building may be allowed, in no case shall a new or expanded area of an enclosed building cover more than 5 percent of the Zone Three Riparian Buffer.
- 506.E. Locations. Allowed disturbances in riparian buffers shall be placed as far from a perennial waterway as is reasonably feasible.
- 506.F. Storage. The storage of toxic substances, hazardous substances, pesticides and herbicides shall be prohibited with Zone One, Two and Three Riparian Buffers, except for types and amounts customarily stored as part of a single family dwelling.

507. HERITAGE TREE CONSERVATION WITHIN PIKE TOWNSHIP.

- 507.A. This Section 507 shall only apply within Pike Township. Heritage Trees shall be preserved and protected to the greatest extent feasible. This Section 507 shall not apply to approved forestry.
- 507.B. Where any land disturbance is proposed as part of any subdivision or land development application, removal of Heritage Trees shall not be permitted except where the Applicant demonstrates to the satisfaction of the Township that such removal is essential to eliminate hazardous condition(s). In consideration of any need for tree removal, the Township may engage the services of an arborist, reasonable costs therefore to be borne by the Applicant.
- 507.C. Where any applicant for building, zoning, subdivision or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of Heritage Trees, all such Heritage Trees to be retained shall be credited toward any tree replacement required under Section 508.B. below, at the ratio of four trees credited for each Heritage Tree retained.

507.D. Where any minimum setback line for a dwelling as set forth in Article 3 and measured from any applicable lot line is located so as to cause any permissible structure or land disturbance to intrude within the drip line of any Heritage Tree, such setback requirement may be reduced 50% where approved as a special exception upon the satisfaction of the Zoning Hearing Board that such reduction shall minimize intrusion into the drip line of any Heritage Tree as applicable.

508. WOODLAND CONSERVATION.

508.A. Disturbance Limits for Woodlands. This section shall apply to tree removal other than "forestry" (which is regulated by Section 402). Clearcutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this section. All woodland disturbance shall be subject to both maximum disturbance limitations and disturbance thresholds, beyond which woodland replacement shall be required, as set forth herein.

508.B. Measurement of Woodland Disturbance. Disturbance limitations shall be measured based on the extent of the subject woodland classification at the time of first submission of applicable application(s) after the adoption of this Article and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred. If, at any time within 3 years prior to an applicable application, there had existed a greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.

508.C. Maximum Disturbance Limitations. Permitted woodland disturbance for any purpose on any lot or tract shall not exceed the following:

1. 10 percent of any area designated Class I Woodland on the Woodland Classification Map within Pike Township.
2. 20 percent of any area designated Class II Woodland on the Woodland Classification Map within Pike Township.
3. 30 percent of any area designated Class III Woodland on the Woodland Classification Map within Pike Township.
4. 40 percent of total Woodland areas on a site within Colebrookdale Township.

508.D. Disturbance Thresholds for Woodland Replacement Within Pike Township.

1. Permitted woodland disturbance in connection with any application for building or zoning permit on any single lot existing on the effective date of this Ordinance shall not exceed the following thresholds without providing for woodland replacement, measured as a percentage of the entire area of woodland within the respective designation:
 - a. 5 percent of any area designated Class I Woodland on the Woodland Classification Map.
 - b. 15 percent of any Class II Woodland as indicated on the Woodland Classification Map.

- c. 20 percent of any Class III Woodland as indicated on the Woodland Classification Map.
2. Permitted woodland disturbance in connection with any application for subdivision or land development shall not exceed the following thresholds without providing for woodland replacement, measured as a percentage of the entire area of woodland within the respective designation:
 - a. 5 percent of any area designated Class I Woodland on the Woodland Classification Map.
 - b. 10 percent of any Class II Woodland as indicated on the Woodland Classification Map.
 - c. 15 percent of any Class III Woodland as indicated on the Woodland Classification Map.

508.E. Calculation of Required Vegetation Replacement Within Pike Township.

1. Where any permitted woodland disturbance exceeds any applicable threshold(s) set forth in Subsection A, above, applied independently and cumulatively, replacement plantings shall be installed as follows:
 - a. At a minimum, for each 300 square feet of woodland disturbance area, or fraction thereof, in excess of each applicable threshold set forth in Section 508.A and regardless of the character and sizes of the disturbed vegetation, one tree at least 2 to 2.5 inch caliper shall be planted. A sample list of acceptable replacement plantings is found in subsection B.10, below
 - b. Required Replacement Shrubs. At a minimum in Pike Township, for each 100 square feet of woodland disturbance area, or fraction thereof, in excess of the applicable standard set forth in Section 2 and regardless of the character and sizes of the disturbed vegetation, one shrub at least 24 to 30 inches in height shall be planted in addition to any required tree replacement. Shrubs planted in accordance with this requirement may be of restoration quality and not necessarily landscaping quality.
2. Required replacement plantings shall be in addition to any required street trees or any other landscape material required under applicable provisions of this Ordinance or the Subdivision and Land Development Ordinance.
3. Where approved by the Township as a condition of any building, zoning, subdivision or land development approval or as a condition of grant of modification under this Article, required replacement trees may be substituted for greater numbers of trees of smaller caliper than otherwise required or by vegetation other than trees (e.g., for purposes of reforestation).
4. If mutually agreed upon by the Township and the applicant as a condition of any building, zoning, subdivision or land development approval or as a condition of grant of modification under this Article, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting.
5. In lieu of actual installation of replacement plantings, if mutually agreed upon by the Township and the applicant, the Township may permit any applicant to place the

equivalent cash value, as agreed upon by the Township and the applicant, for some or all of the required replacement plantings into a special fund established for that purpose. Such fund shall be utilized at the discretion of the Township for the purchase and installation of plantings elsewhere in the Township. Installation of such plantings on private lands shall be dependent upon the establishment of conservation easement(s) or other restriction(s) acceptable to the Township that will reasonably guarantee the permanent protection of such plantings. Where the provisions of this Section are otherwise applicable, any grant of approval of modifications requested pursuant to this Article also may be conditioned upon the placement of equivalent cash value for otherwise required replacement plantings into such a fund.

6. The locations, selected species, and sizes of all replacement plantings, along with a planting schedule tied to the timing and/or phasing of the development, shall be indicated on the Final Subdivision /Land Development Plan(s) or building permit application, as applicable.
7. Required replacement vegetation and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (grown specifically for planting in the applicable USDA hardiness zone) and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this section.
8. Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:
 - a. Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
 - b. Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or oldfield area(s), reforestation of riparian buffer areas, mitigation of new woodland edge conditions as a result of land disturbance, provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
 - c. Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
 - d. Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), the use of nursery-grown free-fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native deciduous woodland.
9. All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least 24 months or shall be replaced. In addition, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 24 month replacement period and to provide for the removal and replacement of vegetation damaged during construction, based upon the recommendation of the Township Engineer.

10. Invasive Species. Removal of recognized invasive species are not regulated by this Section. See the definition in Article 2.
11. Suggested Plant List. The following list includes species acceptable for woodland replacement plantings. Examples of species appropriate for use where screening or buffering is desirable or required are indicated with an asterisk (*). Appropriate species for street tree plantings are indicated by the notation “ST.” Specific species selection and planting locations shall reflect careful site evaluation as further set forth herein.

Tree, Common Name	Botanical Name
<u>Evergreen Trees</u>	
Eastern redcedar*	Juniperus virginiana
Canadian Hemlock	Tsuga canadensis
Red (Eastern or Yellow) spruce*	Picea rubens
Norway spruce*	Picea abies
Eastern White Pine*	Pinus strobes
<u>Shade Trees</u>	
Red maple, ST	Acer rubrum
Sugar maple, ST	Acer saccharum
White ash, ST	Fraxinus americana
Green ash, ST	Fraxinus pennsylvanica
Sycamore	Platanus occidentalis
White oak, ST	Quercus alba
Northern red oak, ST	Quercus rubra
Tulip poplar	Liriodendron tulipifera
Scarlet oak, ST	Quercus coccinea
Pin oak, ST	Quercus palustris
Shagbark hickory	Carya ovata
American basswood	Tilia americana
American beech	Fagus grandifolia
Black cherry	Prunus serotina
London plane tree	Platanus acerifolia
<u>Small Trees and Shrubs</u>	
Rhododendron	Rhododendron sp.
Black chokecherry	Aronia melanocarpa,
Shadbush/Serviceberry*	Amelanchier canadensis
Redbud	Cercis canadensis
Flowering dogwood*	Cornus florida white
Winterberry	Ilex verticulata
Washington hawthorn*	Crataegus phaemopyrum
New Jersey tea	Ceanothus americanus
Sourwood	Oxydendrum arboreum
Ironwood	Ostrya virginiana
Arrowwood	Viburnum dentatum
Black Haw	Viburnum prunifolium
Maple Leaf viburnum	Viburnum acerifolium

Mountain laurel	Kalmia latifolia
Highbush blueberry	Vaccinium corybosum
Lowbush blueberry	Vaccinium vacillans
Common juniper	Juniperus communis

508.F. Protection During Construction. In areas of woodland disturbance and immediately adjacent areas, remaining trees shall be protected from damage using the following procedures during construction:

1. Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees. Appropriate fencing 4 feet in height shall be placed at the drip line of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the drip line of any trees to remain.
2. Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.
3. No boards or other material shall be nailed or otherwise attached to trees during construction.
4. Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain.
5. Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

509. EROSION CONTROL. The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

509.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

509.B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.

509.C. See State erosion control regulations (Note: as of 2009 in 25 PA. Code Chapter 102).

510. FLOODPLAIN DISTRICT (Flood-prone areas) WITHIN COLEBROOKDALE TOWNSHIP. The requirements of the separate Floodplain Ordinances shall apply in Pike Township and Boyertown Borough. See the Official Federal Floodplain Maps, as published by the U.S. Emergency Management Agency. **The following provisions shall only apply within Colebrookdale Township.**

510.A. Purposes. The FP Floodplain District is an overlay district to the underlying zoning districts. The FP district include areas that have been identified by the Federal Government as being subject to periodic inundation by floodwaters. The FP District is intended to manage development and

alteration of floodplain areas to avoid incompatible or dangerous development. This Section is intended:

1. To prevent the erection of structures in areas with a known danger from flooding.
2. To protect public health and safety by protecting water quality and promoting safe drainage.
3. To control development which could create burdens for governments, emergency service providers and individuals for the costs of flood control, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, disruptions of transportation routes, and interference with utility services.
4. To maintain a stable tax base that is not threatened by the destruction of properties.
5. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
6. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
7. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
8. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
9. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
10. To provide areas for the deposition of sediment.

510.B. Definitions. For the purposes of this Section 510, the following terms shall have the following meanings:

1. Basement. Any area of the building having its floor below ground level on all sides.
2. Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
3. Channel. A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.
4. Channel Flow. That water which is flowing within the limits of a defined channel.
5. Completely Dry Space. A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
6. Conservation Plan. A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.
7. Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

9. Fill. Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.
10. Flood. A temporary inundation of normally dry land areas.
11. Flood, Flooded, or Flooding. A partial or complete inundation of normally dry land areas from the overflow of a watercourse or other body of surface water, or from the unusual and rapid accumulation or runoff of surface waters from any source.
12. Floodplain or Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
13. Floodproof, Floodproofed, or Floodproofing. Any combination of structural and/or nonstructural provisions, additions, changes, or adjustments to structures or contents which are designed or adapted primarily to reduce or eliminate flood damage to those structures or contents.
14. Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.
15. Hazardous Material. Materials which have the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.
16. Historic Structure. Any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior; or
 - (2) directly by the Secretary of the Interior or in states without approved programs.
17. Identified Floodplain Area. The floodplain area specifically identified in this Ordinance as being inundated by the 100-year flood.
18. Lowest Floor. The lowest floor of the lowest, fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designated and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
19. Manufactured Home or Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation. See separate provision for recreational vehicles.
20. Maximum Flood Elevation. The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain District.

21. Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
22. New Construction. Structures for which the start of construction commenced on or after April 17, 1978, and includes any subsequent improvements thereto.
23. Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.
24. 100-Year Flood. A flood that, on the average, is likely to occur once every 100 years (i.e., that has one percent chance of occurring each year, although the flood may occur in any year).
25. 100-Year Flood Boundary. The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year). Unless stated otherwise by this Ordinance, the official Federal Floodplain Mapping issued by the Federal Insurance Administration or its successor agency shall be the determinant of the boundaries of the 100 year floodplain.
26. 100-Year Flood Elevation. The water surface elevations of the 100-year flood.
27. Recreational Vehicle. A vehicle which is (a) built on a single chassis; (b) not more than 400 square feet, measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
28. Regulatory Flood Elevation. The 100-year flood elevation plus a freeboard safety factor of 1-1/2 feet.
29. Soil Waste. Garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, residential, and community activities.
30. Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
31. Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.
32. Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss” regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.”
- 33. Watercourse. A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or man-made.

510.C. Relationship to Other Articles.

- 1. The provisions of this Section create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Ordinance and all other ordinances of the Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

510.D. Lands in Floodplain District.

- 1. The FP Floodplain District is hereby defined to include all of the following lands:
 - a. All those areas identified as being subject to the 100-year flood in the latest officially issued Flood Insurance Study (FIS) and the accompanying maps prepared by the Federal Emergency Management Agency.
 - b. Where the complete and definitive information necessary to delineate the boundary of the Floodplain District is not available to the Zoning Officer in his/her consideration of an application for a permit, he/she shall require that the applicant prepare and submit such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the Floodplain District as defined in Section 510.B of this Article. Such studies and surveys shall be certified by a licensed professional engineer registered by the State. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies.
 - c. The floodplain shall consist of subdistricts as follows, if so categorized by the Official Federal Floodplain Mapping.
 - (1) Floodway Area - the areas identified as “Floodway” in the FIS. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.
 - (2) Flood-Fringe Area - the remaining portions of the 100-year floodplain in the FIS that are outside of the Floodway where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the FIS.
 - (3) Special 100-Year Floodplain Area - the areas identified as being within the 100-year floodplain in the FIS for which a floodway boundary has not been identified. When available, information from other Federal, State, and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

510.E. Boundary Disputes.

1. Should a dispute concerning any boundary of the Floodplain District arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.
2. All changes to the boundaries of the Floodplain District which affect areas identified in Section 510.D. of this Article are subject to the review and approval of State and/or Federal agencies in compliance with the Regulations of the National Flood Insurance Program.

510.F. Permitted by Right Uses.

1. Only the following uses and others are permitted in the Floodplain District. These uses shall only be allowed of the underlying zoning district and provided they do not involve any grading or filling which would cause any increase in flood heights or frequency, and provided they comply with other sections of this Ordinance and do not include any new buildings within the 100-year floodplain:
 - a. Forestry.
 - b. Erosion and sedimentation control measures.
 - c. Public and private outdoor recreational uses such as parks, play areas, day camps, campgrounds, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), or trails.
 - d. Crop farming.
 - e. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens, or arboreta.
 - f. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Fish and Boat Commission and reviewed by the County Conservation District.
 - g. Fences of a design that does not obstruct flood waters.
 - h. Circuses, carnivals, and similar transient enterprises.
 - i. Farm ponds which are reviewed and found acceptable by the County Conservation District and which do not create any increase in flood heights or frequency.
 - j. Floodproofing of structures in compliance with State and Federal regulations.
 - k. Utility pipes, poles and lines.
 - l. Water monitoring devices, docks, piers and boat launching ramps.

510.G. Prohibited Uses.

1. The following uses are prohibited in the Floodplain District:
 - a. All uses prohibited in the underlying zoning district.
 - b. All new buildings.
 - c. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading or filling necessary to accomplish and carry out those uses permitted in Section 510.F; and provided that no grading or filling shall not cause any increase in flood heights or frequency.
 - d. Grading or filling that could cause any increase in flood heights or frequency.
 - e. Damming or relocation of any watercourse, except as provided for in Sections 510.F.
 - f. Fences of a type that could obstruct floodwaters.
 - g. Storage of herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.

- h. Cemeteries for humans or animals.
- i. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
 - (1) Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
 - (2) Increase the surface elevation of floods, or the frequency of floods.
- j. The construction, expansion, or enlargement of any structure or building associated with the following uses:
 - (1) Hospitals
 - (2) Nursing homes
 - (3) Jails
 - (4) Prisons
 - (5) Mobile/manufactured home parks
- k. Any new structure or building, or any expansion or addition to an existing structure or building that will be used for the production or storage or any of the following dangerous materials or substances, or that will be used for any activity requiring the maintenance of a supply of any of the following substances in quantities exceeding 550 gallons.
 - (1) Acetone
 - (2) Ammonia
 - (3) Benzene
 - (4) Calcium carbide
 - (5) Carbon disulfide
 - (6) Celluloid
 - (7) Chlorine
 - (8) Hydrochloric acid
 - (9) Hydrocyanic acid
 - (10) Magnesium
 - (11) Nitric acid and oxides or nitrogen
 - (12) Petroleum products (gasoline, fuel oil, etc.)
 - (13) Phosphorus
 - (14) Potassium
 - (15) Sodium
 - (16) Sulfur and sulfur products
 - (17) Pesticides (including insecticides, fungicides, and rodenticides)
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- l. Occupancy of a recreational vehicle within the 100 year floodplain for more than 90 days per calendar year shall be prohibited.

510.H. Standards and Criteria for Special Exceptions.

- 1. Where special exception approval is required for a use within the Floodplain District, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:
 - a. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 - b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to others is minimized.

- c. That a possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
- d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for and effect of floodproofing, are minimized.
- e. That the proposed facility and its services are important to the community.
- f. That there are no available alternate locations not subject to flooding for the proposed use.
- g. That the proposed use is compatible with existing and anticipated development.
- h. That the proposed use is consistent with any floodplain management program for the area.
- i. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
- j. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonality, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
- k. That the proposed activity will not unduly alter natural water flow or water temperature.
- l. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
- m. That the granting of the special exception will not result in any of the following:
 - (1) Increases in flood heights.
 - (2) Additional threats to public safety.
 - (3) Extraordinary public expense.
 - (4) Conflict with local laws or ordinances.
- n. With any FW (Floodway Area), the following provisions apply:
 - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from DEP, as applicable.
- o. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the 100-year flood more than one foot at any point.

510.I. Application Requirements.

- 1. In hearing and deciding upon special exceptions, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
 - a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
 - b. A typical valley cross-section showing the channel of the watercourse, elevations of land area adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - c. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and

existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

- d. A profile showing the slope of the bottom of the channel or flow line of the watercourse.
- e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of material, water supply facilities, and sanitary facilities.

510.J. Conditions of Approval. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

510.K. Variances.

- 1. In all variance proceedings the burden of proof shall be on the applicant. Where a variance is necessary under the variance standards of the Municipalities Planning Code, there must also be compliance with the following additional requirements:
 - a. No variance shall be granted for any development, structure, use, or activity within the Floodplain District which would cause any increase in flood levels during the 100-year flood.
 - b. No variance shall be granted for any of those prohibited uses listed in Sections 510.G.
 - c. Variances shall only be granted upon:
 - (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
 - (4) A determination that the granting of a variance will not jeopardize the Township's participation in the National Flood Insurance Program.
 - d. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - f. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board.

510.L. Nonconforming Uses and Buildings in the Floodplain District.

1. Nonconformities.

- a. Continuation. All uses or buildings lawfully existing in the Floodplain District as the effective date of this Ordinance which are not in conformity with the provisions of this Section 510, shall be deemed nonconforming uses or buildings. Such nonconforming uses or structures may be continued, maintained, repaired and floodproofed, except as otherwise provided for in this Article. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Township health, sanitary or safety code specifications which are necessary solely to assure safe living conditions.
- b. Expansion and Modification. A nonconforming use or building may not be expanded or modified in any manner which would a) increase or aggravate flooding or flood hazards; or

- b) causes it to occupy more ground area within the Floodplain District than was occupied by it on the effective date of this Article.
 - c. Replacement and Rebuilding.
 - (1) A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than 50 percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.
 - (2) A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of 50 percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with this Ordinance, and all other ordinances of the Township.
 - (3) The Zoning Hearing Board may waive, as a special exception, the requirements of this paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the purposes and intents of this Article.
 - (4) The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board.
 - d. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood. No expansion or enlargement of an existing structure shall be allowed within any floodplain area outside of the floodway that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one foot at any point. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
 - e. Notwithstanding the foregoing Paragraphs (1) and (2), any modification, alteration, reconstruction, or improvement of any kind which meets the definition of repetitive loss shall be undertaken only in full compliance with all provisions of this Ordinance.
- 510.M. Historic Structures. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section 510. for a “Historic Structure” (as defined above) , and the provisions of Section 510.H and 510.I shall be applied in such a case.
- 510.N. Design and Performance Standards.

1. Applicability. If two provisions of Municipal regulations address the same matter, the provision that is more restrictive upon development shall apply.
2. Regulations and Reviews by Other Agencies.
 - a. Where possible, all necessary permits or other written approvals will be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits are granted by the Municipality.
 - b. Where permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of plans, special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals.
 - c. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from DEP, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit application and municipal notifications shall be forwarded to the Federal Emergency Management Agency and to the State Department of Community and Economic Development.
3. Placement and Construction of Authorized Uses and Structures.
 - a. All uses and structures shall be designed, constructed and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flowlines as those of nearby structures.
 - b. All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage.
 - c. All new or replacement drains, water supply facilities or sanitary sewage facilities shall be designed to preclude infiltration or back-up of sewage of floodwaters into the facilities or structures and discharges from the facilities into floodwaters.
 - d. All new construction and substantial improvements of permanent nonresidential structures shall either (1) have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Section 510.B of this Ordinance, or (2) together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100-year flood elevation as defined by Section 510.B of this Ordinance the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - e. All authorized improvements or additions to existing residential structures shall, to the greater extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by Section 510.B of this Ordinance shall be floodproofed.
 - f. All authorized new residential structures shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Section 510.B of this Ordinance.
4. Floodproofing. Where floodproofing is authorized by this Article, it shall be done according to the standards and provisions for floodproofing regulations officially issued by the U.S. Army Corps of Engineers. Where reference is made in such Flood-Proofing Regulations to the "RFD" (Regulatory Flood Datum), it shall be interpreted to mean the 100-year flood elevation as defined by this Article. The floodproofing of a new residential building shall not cause the construction of the building be permitted.

5. Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks within the Floodplain District, shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage for bridge openings and other restricted sections of the watercourse.
6. Surface Drainage. Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.
7. Uniform Construction Code Coordination. See the provisions in 34 PA Code Chapters 401-405, as amended, or their successor provisions, and applicable provisions of the Construction Codes. (Note: As of 2008, the following were some relevant sections of the construction codes: International Building Code: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G; International Residential Building Code: Sections R104, R105, R109, R323, Appendix AE101, Appendix E, and Appendix J.)

510.O. Zoning Permits.

1. Within the Floodplain District, a zoning permit shall be required for all of the following: a) proposed development or subdivision, b) construction, reconstruction, placement, replacement, expansion, extension of buildings, c) the placement or expansion of a building, and d) mining, dredging, filling; grading, paving, excavation, or drilling operations.
2. Every zoning permit application for work or uses within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all of the provisions of this Section.
3. The following information is specifically required to accompany all zoning permit applications involving a building within the Floodplain District:
 - a. The elevation (in relation to mean sea level) of the lowest floor (including basement).
 - b. Whether or not the structure includes a basement.
 - c. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - d. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the State or a licensed professional architect registered by the State certifying that the floodproofing methods used meet the provisions of this Section and are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the 100-year flood as defined by Section 510.B of this Article, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.
 - e. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning officer to any other appropriate agencies and/or individuals for review and comment.
 - f. Site location including address.
 - g. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
 - h. The elevation of the 100-year flood.
 - i. The following data and documentation:
 - (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.
- (6) Where any excavation or grading is proposed, a plan meeting the requirements of the DEP to implement and maintain erosion and sedimentation control.
- (7) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

510.P. Municipal Liability. The lawful granting of a permit or making of any other administrative decision under this Section 510 shall not constitute a representation, guarantee, or warranty of any kind by the Municipality, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Article. There is also no assurance that lands not included in the Floodplain District are now or ever will be free from flooding or flood damage.

511. NOISE.

511.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 60 dBA 2) 50 dBA
2. Lot Line of a Principal Residential Use in a Commercial or Industrial District	1) Same as above 2) Same as above	1) 65 dBA 2) 60 dBA

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note: dBA means "A" weighted decibel.

511.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Lawnmowers, snowblowers, leaf blowers, and household power tools between the hours of 7 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a kennel.
5. Public celebrations specifically authorized by the Governing Body or a County, State or Federal Government agency or body.
6. Unamplified human voices.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.
9. Barking dogs, other than within a kennel.
10. Discharge of firearms between 7 a.m. and 9 p.m.

512. ODORS AND DUST. No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot, except as provided under the State Right to Farm Act for normal farming operations.

513. CONTROL OF LIGHT AND GLARE. This section 513 shall only regulate exterior lighting that spills across lot lines or onto public streets.

513.A. Street Lighting Exempted. This Section 514 shall not apply to: a) street lighting that is owned, financed or maintained by the Township, Borough or the State, or b) an individual porch light of a dwelling (not including a spot light).

513.B. Height of Lights. No luminary, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot or within 200 feet of public street shall be placed at a height exceeding 35 feet above the average surrounding ground level. However, taller lights may be attached above a billboard to shine the light downward. This limitation shall not apply to: 1) lights needed for air safety, 2) lights intended solely to illuminate an architectural feature of a place of worship, or 3) lighting of outdoor public recreation facilities.

513.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

- 513.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 513.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 513.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- 513.G. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street. The maximum total height of such canopies shall not exceed 35 feet above the ground level.
- 513.H. Horizontal Surface Lighting. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward and shall meet the standards for a full-cutoff light fixture. A full cut-off light fixture shall be a fixture in which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
- 513.I. Non-Horizontal Lighting. For lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, signs, and displays, 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. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 100-watt incandescent lamp are exempt from the requirements of this paragraph.
1. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- 513.J. Off-Premises Sign Lighting. Any exterior lighting of a billboard/off-premises sign shall be attached at the top of the sign and aimed downwards.
- 513.K. Unshielded Light Bulbs. The use of multiple unshielded incandescent light bulbs that are hung on poles or strung on wires is prohibited, except for allowed temporary festivals.

**ARTICLE 6
OFF-STREET PARKING AND LOADING**

601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS
(See Section 601.B. below for the TC District)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home Occupation	See Section 403	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>B. INSTITUTIONAL USES:</u>		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 6 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 5 beds, plus parking for any individual dwelling units as provided above	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, including wading pools	1.1 Employee
<u>C. COMMERCIAL USES:</u>		
All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.		
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 Employees
9. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

601.B. Parking Reduction in TC District Within the Borough of Boyertown.

1. Purposes. To recognize the availability of on-street parking in the TC district, and the limited ability to provide parking to serve existing buildings, and the potential of customers walking to businesses in the area.
2. Off-street parking shall not be required within the following portion of the TC district, in recognition of the availability of municipal parking: lots fronting upon the south side of Philadelphia Avenue between Peach Street and the railroad right-of-way, and lots fronting upon the east side of South Reading Avenue between Philadelphia Avenue and a point 120 feet north of the right-of-way of Third Street.
3. The parking requirements in Table 6.1 shall be modified within the TC District as follows:
 - a. The amount of required off-street parking shall be reduced by 50 percent for a commercial use within the TC District within a building that existed prior to January 1, 1960.
 - b. Off-street parking shall be required for any additional dwelling units or any new construction of any building or any expansion of a building, except as may be allowed under Section 602.C.2.
 - c. Optional Fee-in-lieu of parking.
 - (1) As a special exception, the Zoning Hearing Board may permit the reduction of off-street parking requirements in the TC District if the applicant commits to pay a fee-in-lieu-of providing a certain number of required off-street parking spaces.
 - (2) For each required off-street parking space that is waived, a fee shall be required of \$2,000, unless such amount is modified by resolution of Borough Council.
 - (3) All such fees shall be paid to the Borough or an Authority authorized by the Borough to receive such fees. All such fees shall be accounted for separately. All such fees shall only be used for the creation of additional on-street or off-street public parking to serve the TC district. Such fees may also be used for the payment of debt for improvements to increase the amount of public parking, the leasing of private areas for public parking, or for the acquisition of land for public parking.
 - (4) The fee shall be a one-time payment. The reduction of the required number of parking spaces shall continue with the land over time, regardless of ownership or use of the property.
 - (5) The application shall be offered to the Borough Planning Commission and Borough Council for any review they care to make prior to an approval by the Zoning Hearing Board.

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance,

including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).
2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
 - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.
2. Within the TC district, no new off-street surface parking space shall be placed between a principal building and the curblines of Reading Avenue and Philadelphia Street. This requirement shall not prevent the realignment of existing parking areas. This provision shall not prevent vehicle parking from being located to the side or rear of a building, provided such building faces onto Main Street.
3. With the GR district within the Borough of Boyertown, if an existing rear or side alley is available or could be feasibly extended, it shall be used for access to any garage or parking

spaces for the lot instead of a front yard driveway accessing directly onto Philadelphia Avenue or Reading Avenue.

602.F. Reduction of Parking Requirements as a Conditional Use.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a conditional use, the Governing Body may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Governing Body that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - (1) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
 - c. Reserved Area for Additional Parking. Under this section, the Governing Body may require that a portion of the required parking be met through a reservation of an area for future parking. The Governing Body may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
 - (1) Such reservation shall be in a form acceptable to the Governing Body Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Borough/Township determines it is necessary. A deed restriction is recommended.
 - (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Borough/Township requirements.
 - (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Governing Body decision may authorize the land’s release from the restriction, or until the Borough/Township may require that the land be developed as parking.

- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

d. Within the TC district, see also Section 601.B., which may allow a reduction in parking requirements.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

- 1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for: a) a driveway serving one dwelling or b) a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
- 2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
- 3. Parking areas shall not be within a required buffer yard or street right-of-way.
- 4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
- 5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

- 1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 603.C.
- 2. For handicapped spaces, see Section 603.F. below.
- 3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	10	18	20	24
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

603.D. Accessways and Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
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Minimum	12 feet	22 feet
Maximum	20 feet	35 feet

* This standard may be revised where the State Department of Transportation requires a different standard is required by PennDOT for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough/Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Borough/Township.
 - a. However, by conditional use, the Governing Body may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Governing Body may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. If the design and materials are found to be acceptable by the Borough/Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone.
 - c. Curbing should not be required in parking areas except where absolutely necessary to control storm water runoff.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities.

1. Overall Requirements and Number of Spaces. See requirements enacted under the Federal Americans With Disabilities Act for parking for persons with disabilities. This Section 603.G. is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 5 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 5 feet. This 5 feet width shall be increased to 10 feet for a lot including 15 to 50 parking spaces,

to 15 feet for a lot including 50 to 99 parking spaces, and to 25 feet for a lot including 100 or more parking spaces.

- a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough/Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 1. paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

604. OFF-STREET LOADING.

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- 604.B. At the time of review under this Ordinance. the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission, Board of Commissioners, Board of Supervisors and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. FIRE LANES AND ACCESS.

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.

- 605.C. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough/Township, after review by local Fire Officials.

ARTICLE 7 SIGNS

701. PURPOSES AND APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without unreasonably regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.
- 701.D. Nonconforming Signs.
1. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
 2. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
 3. A nonconforming sign shall not be converted to a electronic changing message display.
- 701.E. Unlawful Signs. If a sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed.

702. SIGN DEFINITIONS.

- 702.A. Sign Definitions. The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this Article:
1. Abandoned Sign. A sign which identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is not longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.
 2. Awning. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an awning.
 3. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.

4. Changeable Message Sign. A sign that is designed to vary from message to message by means of electronic lights, movable panels and/or movable letters.
5. Flag. Fabric, banner or bunting containing distinctive colors, patterns or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.
6. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
7. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
8. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
9. Marquee Sign. A sign that is attached to a permanent overhang over a sidewalk that extends from the face of a building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed wall sign area may be placed on a marquee, provided any new marquee shall meet this Ordinance and the Construction Codes.
10. Monument Sign. A type of freestanding sign which has a maximum total height of 8 feet and which has a solid bottom attached to the ground, as opposed to be supported by a pole.
11. Non-conforming Sign. A sign which was lawful when it was installed, but which would not meet current sign regulations of this Ordinance.
12. Off-Premise Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
13. On-Premises Sign. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.
14. Political Sign. A sign that advertises a candidate for election or an opinion on a current political issue.
15. Portable Sign. A sign that is not permanently affixed to the ground or to a building, and which is not listed by this Article as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
16. Projecting Sign. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.
17. Real Estate Sign. A temporary sign advertising the availability of land or building space for sale, lease or auction.
18. Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.
19. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
20. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

703. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAXIMUM NO. OF SIGNS PER LOT	MAXIMUM SIGN AREA * ON RESIDENTIAL SIGNS ** (sq. ft.)	MAXIMUM SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	20	24		Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	4	40		Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a contractor, tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	2	32 (Or one sign of 64 sq. ft.)	Shall only be permitted while such work is actively and clearly underway and a max. of 7 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.	
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	3	in addition to 3 signs permitted on pavement	Dispersed signs on pavement	within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	20	20		Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertise a one-time occasional garage sale/porch sale or auction.	4 per sign	4 per sign		Such signs shall be posted not more than 3 days before the sale starts, and shall be removed within 1 day after the sale ends. No sign shall be posted for more than 6 days.

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TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAXIMUM NO. OF SIGNS PER LOT	MAXIMUM SIGN AREA PER SIGN * ON RESIDENTIAL SIGNS ** (sq. ft.)	MAXIMUM SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	2, except 4 within Township	Except 4 within Township	Shall not be illuminated.	Shall not be illuminated, except a sign of a medical doctor may be externally lit. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1, except 2 for a principal non-residential use.	Principal non-residential use.	Maximum height	of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	4	4	Shall be placed	max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - advertises a person seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. Political signs shall not obstruct safe sight distances at intersections.	Maximum of 2 signs per lot	Maximum of 10 sq. ft. per lot	Maximum of 20 sq. ft. per street frontage.	Shall be removed a max. of 5 days after an election, vote or referendum, if the sign pertains to such. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	2	2		

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TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAXIMUM NO. OF SIGNS PER LOT	MAXIMUM SIGN AREA * ON RESIDENTIAL SIGNS ** (sq. ft.)	MAXIMUM SIGN AREA * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1	32	Shall only be placed	on the property while it is actively for sale, lease or rent, and shall be removed a max. of 10 days after settlement or start of lease or sale of the last lot/unit in a development.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	Maximum of 2 such signs per such	organization or place of worship.
<u>Special Sale Signs/Banners</u> 5 temporary banners or flags that advertise a special sales event at a lawful principal commercial business.	Not permitted	Total of 60 sq. ft.	Shall be displayed for a maximum of 4 periods	year, which shall each extend a maximum of 30 days. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> with a sole purpose to announce the current time and temperature and any non-profit public service messages.	Not permitted	30		
<u>Trespassing Sign</u> - indicating private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	2	4		

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

** For the purposes of this Section, a "Residential Lot" shall mean a lot occupied by a primarily residential use, or an undeveloped lot in a "residential district."

703.A. In addition, the following are not regulated by this Ordinance:

1. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
2. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
3. Not Readable Sign- not readable from any public street or any exterior lot line.

4. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
5. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
6. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Township.
7. Small Signs - Signs of one square feet or less of sign area that are displayed independently of other signs.

704. **FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).**

704.A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 702. A “freestanding sign” may include various attached sign faces provided that the maximum total freestanding sign area is met.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL AREA OF WALL SIGNS	TOTAL AREA OF WINDOW SIGNS	TOTAL AREA AND NUMBER OF FREESTANDING SIGNS
<p>RA, RC, AC and Residential Districts, with signs in this table limited to allowed principal non-residential uses, nursing homes and personal care centers.</p> <p>For home occupation signs, see Section 703.</p> <p>Internally illuminated signs shall not be allowed in Pike Township.</p>	<p>30 square feet on each side of a principal building</p>	<p>upon which the signs are attached.</p>	<p>illuminated window signs are not regulated. Other window signs shall be considered wall signs.</p>	<p>that the lot abuts, each with a maximum sign area of 20 sq. ft.</p>
<p>TC Town Center District.</p>	<p>15 percent of the building area upon which the signs are attached.</p>	<p>upon which the signs are attached.</p>	<p>illuminated window signs are not regulated. Other window signs shall be considered wall signs. See also “Special</p>	<p>that the lot abuts, each with a maximum area of 40 sq.ft. * sign of up to 20 square feet is allowed. See also “Special Sale Signs/Banners” in Section 703.</p>

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF ILLUMINATED WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>Commercial and Industrial districts and any other district not listed above</p> <p>Internally illuminated signs shall not be allowed in commercial and industrial districts in Pike Township.</p>	<p>10 percent of the building height upon which the signs are attached.</p>	<p>Temporary non-illuminated signs are not regulated. Other window signs shall be considered Special Signs.</p>	<p>Signs are not regulated. Other window signs shall be considered Special Signs.</p>	<p>that the lot abuts, each with a maximum area of 50 sq.ft. * Special Sale Signs/Banners” in Section 703.</p>

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the GC district, if a lot includes 3 such uses, the maximum freestanding sign area shall be 50 plus 20 equals 70 square feet. If a lot includes more than 10 commercial business establishments, the freestanding sign height may be increased to 35 feet. In addition, for a principal auto sales use, for each new motor vehicle franchise on the lot, a 50 square feet freestanding sign shall be allowed.

704.B. Sidewalk Signs. A lot in the TC district may include the display of a portable sign on the sidewalks with a maximum sign area of 12 square feet on each of 2 sides. The sign shall be used to advertise an on-site business and shall moved indoors when the business is not open to the public. The sign shall be placed in a location that minimizes obstructions to the sidewalk, and a 4 feet minimum continuous walkway shall be maintained along a public sidewalk. The sign shall not be illuminated and shall have a maximum height of 5 feet.

704.C. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.D. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

704.E. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

705. **PROHIBITED SIGNS**. The following prohibitions on signs shall apply in all zoning districts:

705.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.

705.B. Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited, except that text may scroll. Signs may change their message from time to time provided that each message is visible for a minimum of 6 seconds, except as follows: a) time and temperature signs may change more frequently, and b) a sign with a sign area greater than 60 square feet shall not change its message more frequently than once every 15 seconds.

1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

705.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

705.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

705.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.

705.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

705.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.

705.H. Floodlights and outdoor lasers for advertising purposes are prohibited.

706. **OFF-PREMISE SIGNS (Including Billboards)**.

706.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available

in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes of Section 701.

- 706.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 706.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.
- 706.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
1. District. An off-premise sign is only permitted in the GC District.
 2. Location. An off-premise sign shall be setback a minimum of 30 feet from all lot lines and street rights-of-way.
 3. Maximum Total Sign Area on Each of 2 Sides. 300 square feet.
 4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign with a sign area greater than 100 square feet, including signs on either side of a street and including existing signs in other municipalities.
 5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
 7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
 8. Setbacks. No off-premise sign greater than 20 square feet in sign area shall be located within 200 feet from any of: a) an existing principal dwelling, or b) a residential district.
 9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
- 706.E. Additional Off-Premise Signs. Up to 2 off-premises signs may be placed if needed to direct motorists to a principal business use that is located within the geographic areas regulated by this Ordinance and that is not adjacent to an arterial road. Such signs shall only be posted with permission of the owner of the land upon which the signs will be placed. Each sign shall not exceed 4 square feet and shall not exceed 8 feet in height.

707. **GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.**

- 707.A. Setbacks.
1. No freestanding sign of over 20 square feet of sign area shall be located within 10 feet from an existing street right-of-way, except within the TC district. A sign shall not intrude into a street right-of-way, except a sidewalk sign or projecting sign may be allowed in the TC district with permission of the municipality.

2. A freestanding internally illuminated sign for a commercial or industrial business shall not be located within 5 feet from an abutting lot line of principal dwelling in a residential district.
 3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
- 707.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.
- 707.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.
- 707.D. Permission of Owner. No sign shall be posted on any property or public utility pole, unless permission has been received by the owner of such land or pole.
- 707.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.
- 707.F. Construction of Signs. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.
- 707.G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.
- 707.H. Banners and Overhanging Signs. The Governing Body may approve the hanging of decorative banners within the street right-of-way and may approve a sign overhanging across a street to advertise a community event or festival
708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.
709. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.
710. **MEASUREMENT OF SIGNS.**
- 710.A. Measurement of Sign area.
1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.

2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

712. **MAJOR DEVELOPMENT SIGNS.**

712.A. Major Development Sign. If a subdivision or land development is approved to include over 15 dwelling units or more than 5 lots each occupied by a principal business use, then an additional sign shall be permitted up to 2 vehicle entrances to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.

1. Each such sign shall have a maximum sign area of 40 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 15 feet.

712.B. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE 8 GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Municipality by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Municipal Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Municipal standards.

1. In Colebrookdale Township, a new lot for a single family detached dwelling shall have a minimum lot frontage along a street right-of-way of 50 feet, unless stated otherwise in this Ordinance.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply. *Where two non-residential uses require differing lot sizes, the largest lot size requirement shall apply.*
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

- 801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.
- 801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. **HEIGHT EXCEPTIONS**. The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, wind turbines meeting the requirements for such uses, skylights, solar energy collection devices, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Yards.
 - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. For decks and porches, see Section 307.

3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.
 4. Front Setback. If structural walls of existing principal buildings on abutting lots on either side of the same side of the street on the same block each have an existing front yard setback that is smaller than is required under this Ordinance, then the lot in between such lots may have a front yard setback that is equal to the average of the two abutting existing principal buildings, instead of complying with the minimum front yard setback that would otherwise apply.
- 803.C. Sight Clearance at Intersections. This Section 803.C. shall only apply where a provision that serves the same purpose does not apply under the Municipal Subdivision and Land Development Ordinance. At the intersection of two or more streets, and at the intersection of a commercial driveway and a street, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 2.5 feet and 10 feet above the ground level, except for utility posts, single sign posts and the trunks of existing trimmed canopy trees. *Trunks of existing trees shall be removed within this sight triangle within Colebrookdale Township. In Boyertown and Pike Township, the Municipality may, where deemed necessary, require the removal of existing trees within a clear sight triangle.* The triangle shall be measured along the edge of the travel lane of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the street travel lanes, except such distance shall be 25 feet within the TC district. A third longer leg shall connect the two legs along the street cartways, to form the triangle.
1. However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 300 feet and the leg along the local street shall be decreased to 15 feet beyond the travel lane of the arterial or collector street.
 2. The clear sight triangle shall be kept free of such obstructions in perpetuity.
- 803.D. Buffer Yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:
1. *Unless otherwise stated,* a minimum 50 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for non-residential purposes that is contiguous to a lot line of a residentially zoned lot or a lot occupied by an existing principal dwelling. Within the Borough of Boyertown, an 8 feet width shall apply for the buffer yard instead of 50 feet.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock(s) that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock(s) shall be increased to 100 feet, and the minimum initial height of plantings shall be increased to 6 feet. *However, where a 100 feet buffer yard is required by this Section, the landscaped buffer yard may be reduced to the initial 50 feet of width, provided the next 50 feet of width is not used for any activities other than*

parking of private vehicles of employees or customers. Such 100 feet width shall be reduced to 20 feet within Boyertown Borough.

- b. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section *to buffer that dwelling.*
 - c. A 10 feet minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street. See also Section 803.E.
 - d. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
 - (1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 - (2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Municipality may allow deciduous canopy trees.
 3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
 4. Fence. The Municipality may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
 5. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk or extend over a lot line.
 - d. The plant visual screen shall extend the full length of the lot line, except for: a) Municipally-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Municipal and utility requirements, such as stormwater swales.
 - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

- f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
- g. The plant screening shall primarily use evergreen trees.
- h. The plants needed for screening shall be maintained permanently. See maintenance and replacement provisions in Section 804.F.
- i. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.

6. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,
 - (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

803.E. Rear Lotting. Within Colebrookdale Township new lots shall not be created that abut one street along the front lot line and another street along the rear lot line, except where required by PennDOT or the Township for access management purposes.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

- 1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot. The spacing of the trees may vary as needed considering driveways, utility poles and other obstructions.
- 2. Location. Such trees may be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Governing Body.
- 3. Such street trees shall be planted in a manner to avoid conflicts with sidewalks and utilities.
- 4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.

5. The street trees shall meet the requirements of Section 804.D.
6. This requirement for street trees shall not apply for an agricultural or single family detached residential lot of more than 3 acres.

804.D. Parking Lot Landscaping.

1. A minimum of one deciduous tree shall be required for every 10 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces , landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
3. Deciduous trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Municipality that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple
Acer saccharum - Sugar Maple
Carpinus betulus - European Hornbeam
Celtis occidentalis - Common Hackberry
Fagus sylvatica - European Beech
Fraxinus americana - White Ash
Fraxinus pennsylvanica - Green Ash
Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)
Gleditsia triacanthos - Thornless Locust
Liriodendron tulipifera - Tulip Poplar
Ostrya virginiana - Hop Hornbeam
Quercus - All species of oaks
Sophora japonica - Scholar Tree/Pagoda Tree
Tilia americana - American Linden
Tilia cordata - Little Leaf Linden
Tilia euchlora - Crimean Linden
Tilia petiolaris - Silver Linden
Ulmus hybrids - Homestead or Sapporo Autumn Gold
Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
Zelkova serrata - Zelkova

Note- This ordinance only regulates the species of trees that are used to meet requirements of this Ordinance. The species of trees that are not required by Municipal ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:

- (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
- (ii) properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

804.E. Green Area Around Trees. A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than 3 feet wide and 3 feet long surrounding the tree. In each case, a minimum land area of 12 square feet of vegetative area shall be provided around each required tree.

804.F. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

804.G. Landscape Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 180 days.

804.H. Stormwater Basin Landscaping. The following requirements shall apply to landscaping within and around all above ground stormwater management basins:

1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
2. Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Municipal Engineer.

805. **NONCONFORMITIES.**

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
 - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
- c. As a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow an addition of up to 800 square feet of floor area onto such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
 - (1) The lot must be a lawful nonconforming lot of record;
 - (2) Minimum setback requirements shall be met;
 - (3) State and Federal wetland regulations shall be met;
 - (4) If a septic or well is used, the requirements for such shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.

- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- 805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterward the building permit is issued and continues, c) no nonconformity may be newly created or increased by any reconstruction, and d) except where otherwise prohibited by this Ordinance or the municipal floodplain regulations. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- 805.E. Abandonment of a Nonconformity.
1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section in Section 805.D.
 2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- 805.F. Changes from One Nonconforming Use to Another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming

retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. DUMPSTER SCREENING AND LOCATION.

806.A. Site plans submitted to the Municipality shall show the proposed location of any garbage dumpsters. The Municipality may require that such proposed location be modified to provide compatibility with adjacent uses.

806.B. Garbage dumpsters shall be surrounded on at least 3 of 4 sides by a solid fencing, wall or landscaping if the dumpster would be visible from a street or a residential lot. This section 806 is not intended to regulate temporary dumpsters for construction or renovation debris.

807. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

807.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Conditions that encourage the breeding of rats or insects in a manner that risks a public health hazard.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

807.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

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