

CHAPTER 27

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PART 1**PURPOSES, SCOPE, INTERPRETATION, SHORT TITLE****§27-101. Statement of Community Objectives.**

This Chapter is enacted for the purpose of implementing and promoting the community development objectives set forth in the Comprehensive Plan of the Township of Oley as previously adopted by the Board of Supervisors of the Township. These objectives are as follows:

- A. Minimize impediments to existing farming operations in order to make possible the continuation of farming as the Township's primary economic activity.
- B. Direct new nonagricultural development into designated areas in order to avoid the conversion of agricultural land to other uses.
- C. Protect the most sensitive and vital natural features in the Township against the potentially negative impacts of inappropriate land development.
- D. Minimize the consumption of land for development in inefficient patterns of use by concentrating new and expanded development uses among and adjacent to existing uses where existing community facilities can be utilized.
- E. Minimize the impact new development has on the Township historic resources, and foster public education and private actions for historic resource protection.
- F. Provide opportunities for a reasonable mix of land use types consistent with the traditional land use pattern in the Township.

(Ord. 240, 6/24/1992, §100)

§27-102. Scope.

From and after the effective date of this Chapter, the use of all land and the use, height, area and yard requirements of every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in Oley Township shall be in conformity with the provisions of this Chapter. Any lawfully existing building or structure and any lawfully existing use of a building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses (see §27-1401).

(Ord. 240, 6/24/1992, §101)

§27-103. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Chapter shall govern.

(Ord. 240, 6/24/1992, §102)

§27-104. Short Title.

This Chapter shall be known and may be cited as “The Oley Township Zoning Ordinance”.

(Ord. 240, 6/24/1992, §103)

PART 2
DEFINITIONS

§27-201. General.

For the purpose of this Chapter, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “shall” is mandatory and not directory.

(Ord. 240, 6/24/1992, §200)

§27-202. Definitions.

Unless otherwise expressly stated, the following words shall be construed throughout this Chapter to have the meanings indicated in this Section below:

ACCESSORY BUILDING - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal buildings.
[Ord. 286]

ACCESSORY USE - a subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

ADULT ARCADE - any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”. *[Ord. 304]*

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE - a commercial establishment which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

[Ord. 304]

ADULT CABARET - a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nudity; or,
- B. Live performance which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or,
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

[Ord. 304]

ADULT MOTOR PICTURE THEATER - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”. *[Ord. 304]*

ADULT THEATER - a theater, concern, hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”. *[Ord. 304]*

AGE QUALIFIED RESIDENTIAL COMMUNITY - A residential community consisting of single- family detached dwellings which shall be permanently occupied by no more than four (4) persons, at least one (1) of whom shall be fifty-five (55) years of age or older; and further, providing that no persons under the age of eighteen (18) shall permanently occupy a dwelling except during summer months or during holidays. *(Ord. 323, 02/08/2006, §3)*

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

ALLEY - a minor vehicular right-of-way, public or private, which provides a secondary vehicular access to the side or rear of two or more properties which otherwise front on a public or private street. Not a street as defined in this Part. *[Ord. 286]*

ALTERNATIVE TOWER STRUCTURE - manmade trees, clock towers, bell steeples, silos, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. *[Ord. 280]*

ANTENNA - a system of electrical conductors that emit or receive radio waves.

APARTMENT BUILDING - see "dwelling".

BACKHAUL NETWORK - the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switched telephone network. *[Ord. 280]*

BASEMENT - a story partly underground. For purposes of this Chapter a cellar is considered the same as a basement.

BASIC STRUCTURAL ALTERATION - any enlargement of a building, whether by extending on any side or by increasing in height, the moving of a building from one location to another or any change in or addition to the supporting members of a building or structure, such as bearing wall partitions, columns, beams or girders.

BASIC USE ALTERATION - any change in the use or classification of a building.

BED AND BREAKFAST - the use and occupancy of a portion of a single or two family detached dwelling for the purpose of accommodating transient guests for rent.

BILLBOARD - off-premises advertising sign consisting of either poster panels or painted bulletins with a sign area of greater than 40 square feet. *[Ord. 255]*

BOARD OF SUPERVISORS OR TOWNSHIP SUPERVISORS - Board of Supervisors of Oley Township.

BOARD OR ZONING HEARING BOARD - Zoning Hearing Board of Oley Township.

BUILDING - a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, a process, equipment or goods or materials of any kind or nature. *[Ord. 286]*

BUILDING AREA - the aggregate of the maximum horizontal cross section areas of all buildings on a lot, including cornices, eaves, gutters or chimneys, steps, one-story open porches, bay windows, breeze ways and balconies.

BUILDING COVERAGE - the percentage of a lot covered by buildings as defined in this Chapter. *[Ord. 286]*

BUILDING INSPECTOR - the Building Inspector of Oley Township

BUILDING LINE - the line parallel to the street line at a distance therefrom equal to the minimum depth of the required front yard.

CARTWAY (ROADWAY) - the portion of a street right-of-way, paved or unpaved, intended for vehicular use. *[Ord. 261]*

CATTLE - domesticated quadrupeds held as property or raised for use. For the purposes of this Chapter, cattle shall include, but not be limited to, cows, sheep, oxen, goats and pigs.

CELLAR - see "basement".

COLLOCATION - the location of one or more communication antennas on one communications tower, building, public utilities transmission tower or other structure. *[Ord. 280]*

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

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, AM or citizen band radio antennas. *[Ord. 280]*

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 100 square feet. *[Ord. 280]*

COMMUNICATIONS TOWER - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. *[Ord. 280]*

CONDOMINIUM - an estate in real property consisting of an undivided interest in a portion of a parcel together with a separate interest in a space within a structure. Apartments and townhouses are permitted to be held as condominiums, subject to all requirements of the Commonwealth of Pennsylvania.

CORNER LOT - a lot fronting on two intersecting streets, roads or highways.

COUNTY PLANNING COMMISSION - Berks County Planning Commission.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Berks County. *[Ord. 311]*

DIRECT ACCESS - the ability to gain ingress to and egress from a lot without traversing any other property. Direct access is achieved at a point where the lot being accessed abuts the street line. *[Ord. 255]*

DIRECTIONAL SIGN - a sign which directs attention to a business, commodity, service, entertainment or activity conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

DISTRICT OR ZONING DISTRICT - an area including all buildings and lots within certain designated boundaries, as indicated on the Zoning Map.

DOG - a member of the canine species which has reached the age of 6 months.

DWELLING -

A. **MULTIPLE FAMILY DWELLING** - a building arranged, designed and intended for three or more dwelling units and which includes the following housing types:

- (1) **APARTMENT BUILDING** - a building on a single lot arranged, intended or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically, but which does fall within the definition of a townhouse.
- (2) **TOWNHOUSE** - a building arranged, intended or designed to be occupied exclusively as a group of three or more such dwelling units, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance from the outside.

- B. **SINGLE FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building. The term “single family detached dwelling” shall be deemed to include factory built “modular home” placed on a permanent perimeter foundation and “mobile home”.
- (1) **MOBILE HOME** - a transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. Mobile homes shall be constructed in accordance with Safety and Construction Standards of the U.S. Department of Housing and Urban Development. The term “mobile home” shall not be deemed to include “recreation vehicle” nor a “modular home” placed on a permanent perimeter foundation.
- (2) **MODULAR HOME (DEFINED BY THE PENNSYLVANIA INDUSTRIALIZED HOUSING ACT/ACT 70)** - any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site, housing units defined as mobile homes are excluded from this definition.
- C. **SINGLE-FAMILY SEMIDETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as a resident for two families, one family living on each side of a party wall.
- D. **TWO-FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as a resident for two families, with one family living wholly or partly over the other and with no party wall with an adjacent building.

DWELLING UNIT - a building or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

ELECTRIC SUBSTATION - an assemblage of equipment for purposes other than separation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

EMPLOYEE - a person who performs any service on the premises of a sexually oriented business on a full-time, part time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and

whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for the repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises. *[Ord. 304]*

ESCORT - a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. *[Ord. 304]*

ESCORT AGENCY - a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. *[Ord. 304]*

ESTABLISHMENT - any of the following:

- A. The opening or commencement of any sexually oriented business as a new business.
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or,
- D. The relocation of any sexually oriented business.

[Ord. 304]

FAA - the Federal Aviation Administration. *[Ord. 280]*

FAMILY -

- A. One or more persons, related by blood, marriage or adoption, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- B. Not more than five persons not related by blood, marriage or adoption living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FARM - a tract of land containing at least 75 acres which is used in the raising of agricultural crops, fruit, livestock, poultry, fish, bees, dairy products or timber and the necessary accessory uses for packing, treating or storing the produce and improved with a single-family dwelling, barns, sheds and/or other farm buildings or structures normally utilized for housing and feeding farm animals and storing farm equipment.

FARM BUILDING - a barn, silo or any building used for storing agricultural equipment or farm produce or products, for housing livestock or poultry or for processing dairy products. The term "farm building" shall not include a dwelling.

FCC - the Federal Communications Commission. *[Ord. 280]*

FLAG LOT - a lot which conforms in all respects to the dimensional requirements of the AP - Agricultural Preservation Zoning District, except that the only road frontage and access is limited to an access strip. *[Ord. 286]*

FORESTRY - the management of forests and timberlands when practiced with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. *[Ord. 311]*

HEIGHT OF BUILDING - the vertical distance measured from the mean level of the surrounding ground shall be determined by averaging the height of the ground adjacent to the left and right corners of the front of the building. The highest point of the building shall not include isolated vertical projections such as chimneys, spires, penthouses for elevators and tanks. No height restrictions are placed on farm buildings or farm structures.

HEIGHT OF A COMMUNICATIONS TOWER - the vertical distance measured from the ground level to the highest point on the tower or other structure, including the base pad and any antenna. *[Ord. 280]*

HOME OCCUPATION - a lawful occupation for gain or support conducted entirely within a dwelling unit. Both professional and nonprofessional home occupations must meet the home occupation regulations of this Chapter.

HOTEL OR MOTEL - a building or a group of buildings, specifically designed for the temporary lodging of guests and in which there is no provision made for cooking in any individual room or suite of rooms.

IMPROVEMENT - any type of structure or paved section, excluding driveway, curb, sidewalk, planting strip or barrier to unchanneled motor vehicle entrance or exit.

IMPROVEMENT SETBACK LINE - a line parallel to and measured at right angles from the street line at a distance established by this Chapter. No improvements are permitted between the street line and the improvement setback line.

INDUSTRY, LIGHT - industrial activities which are carried out entirely within an enclosed building and involve no outdoor processes or outdoor storage. *[Ord. 283]*

JUNK - any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - any place at which discarded materials or articles, including without being limited to metals or metal products, motor vehicles, machinery, equipment, glass, containers, structures, rubber, lumber, mill work, brick, stone, concrete, industrial waste and other salvageable material are or maybe salvaged or stored for reuse, resale, reduction or similar disposition.

KENNELS - the commercial boarding or breeding of more than three dogs on a lot.

LEGAL RIGHT-OF-WAY - the street right-of-way legally in the public domain at the time a plan is submitted to the Township. *[Ord. 286]*

LIVESTOCK - animals, customarily associated with farming, kept or raised for use or pleasure, farm animals kept for use and profit.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA, GROSS - the total area contained within the lot lines of a lot. *[Ord. 283]*

LOT AREA, NET - the area contained within the lot lines of a lot, excluding:

- A. The area within all legal street rights-of-way.
- B. Areas determined to be jurisdictional wetlands. The method of determination shall be as established by the U.S. Army Corps of Engineers.
- C. Any surface or subsurface easement or right-of-way for petroleum product pipelines or transmission of electricity, communications, stormwater management, sewer or water facilities, except that utility easements for individual service connections that serve the specific lot shall not be excluded from the area.
- D. Any lake, pond, stream or stormwater management basin. The area of these shall be the area within the prescribed easement or, when no easement exists nor is proposed, the area within the basin, pond, lake or stream shall be measured to the top of its bank or berm.
- E. Floodplain areas shown on the Flood Insurance Rate Map (FIRM), including Zones A and AE, and established by elevation where flood elevations are published. The methods used to determine the extent of the floodplain shall be as described in this Chapter.

Unless otherwise stated in this Chapter, the net lot area for all proposed lots shall be equivalent to, or greater than, the minimum lot area required for the Zoning District in which the lot is located.

[Ord. 283]

LOT COVERAGE - percentage of lot covered by impervious materials (includes, but is not limited to, buildings, structures, driveways, parking areas, concrete pads, etc.). *[Ord. 286]*

LOT LINE - any property boundary line of a lot. *[Ord. 286]*

LOT WIDTH - the distance between side lot lines. A lot shall meet the minimum lot width distance prescribed in a zoning district:

- A. At the building line.
- B. At the street line.

[Ord. 286]

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. *[Ord. 311]*

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

NO-IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of the business use including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with the residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

[Ord. 304]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NUDE MODEL STUDIO - any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation, a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
- B. Where, in order to participate in a class, a student must enroll at least 3 days in advance of the class; and
- C. Where no more than one nude or semi-nude model is on the premises at any one time.

[Ord. 304]

NUDITY OR A STATE OF NUDITY - the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state. *[Ord. 304]*

OFFICE - a use that involves administrative, clerical, financial, governmental, professional operations or operations of a similar character. The use shall not include retail or industrial uses. *[Ord. 255]*

OPEN AREA - that portion of a lot which may not be covered by buildings or structure.

PARKING AREA - outdoor parking areas used for parking of vehicles, except that off-street parking areas for a single-family or two-family detached dwelling shall not be included in this definition. *[Ord. 286]*

PARKING SPACE - a space in a garage or on a lot, used for the parking of a motor vehicle, the area of which is not less than 200 square feet and to which there is access from a street or alley.

PARTY WALL - common wall between two adjoining buildings extending from the basement to the roof with no openings.

PERMANENT FENCE - a manmade barrier. The term “permanent fence” shall be deemed to include a wall, but does not include wire fences when used for the purpose of enclosing livestock in a given area.

PERSON - an individual, proprietorship, partnership, corporation, association or other legal entity. *[Ord. 304]*

PERSONAL SERVICE SHOP - an establishment that provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops and other similar establishments. *[Ord. 255]*

PLANNING COMMISSION - Planning Commission for Oley Township.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS - any lawfully existing tower or antenna, including those towers or antennas for which a building permit or special use permit has been properly issued prior to the effective date of this Chapter, whether or not the tower or antennas has been constructed, so long as such approval is current and not expired. *[Ord. 280]*

PRINCIPAL BUILDING (PRINCIPAL STRUCTURE) - the building in which a principal use on a lot is conducted. Any and all buildings or structures attached to a principal building shall be considered part of the principal building and shall conform with all requirements specified for the principal building.

PRINCIPAL USE - the main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under this Chapter. *[Ord. 255]*

PRIVATE GARAGE - an accessory building used for the storage of any number of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one truck or commercial vehicle may be stored in a private garage in a Residence District, excepting pickup trucks and vans.

PUBLIC GARAGE - a building, other than a private garage, used for the storage, repair or servicing of motor vehicles of any type or ownership.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING - a forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

PUBLIC NOTICE - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC UTILITY TRANSMISSION TOWER - a structure, owned and operated by a public utility, electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. *[Ord. 280]*

RESTAURANT - any public or private establishment, located in a permanent building, where the primary business is the offering of food or drink to customers, patrons or members.

- A. **DRIVE-IN RESTAURANT** - a restaurant that provides service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked automobiles.
- B. **FAST FOOD RESTAURANT** - a restaurant that principally sells food, frozen desserts and nonalcohol beverages in a ready-to-consume state, primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside counter or outdoor walk-up window without the assistance of a waiter or waitress.

[Ord. 255]

RETAIL STORE - a permanent building in which retail merchandise is sold. A group of retail stores includes, but is not limited to, shopping centers, malls and strip malls where more than one retail store is located adjacent to or in close proximity to other retail stores and where certain facilities, such as a parking lot, may be shared. *[Ord. 255]*

SANITARY SEWER FACILITY - a public sanitary sewer system or a comparable common or package sanitary sewer facility approved by the appropriate governmental health agency.

SEASONALLY HIGH WATER TABLE SOILS – Soils in which seasonal wetness, as indicated by redoximorphic (mottling) features, is within eighteen (18) inches of the ground surface at certain times of the year. Seasonally high water table soils must be directly adjacent or within watercourses, waters of the Commonwealth of Pennsylvania, water bodies, wetlands, 100-year floodplains, floodplain soils, wetland margins or buffers, and hydric soils.

The burden shall be on the applicant to verify such location(s) to the satisfaction of the Board of Supervisors. Where drainage improvements have been introduced to drain soil areas herein defined as seasonally high water table soils, such areas shall be considered seasonally high water table soils areas for the purpose of this

Ordinance. (*Ord. 325, 10/09/2006, §1*)

SELF-SERVICE STORAGE FACILITY – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property. (*Ord. 343, 01/28/2010, §1*)

SEMI-NUDE OR IN A SEMI-NUDE CONDITION - the state of dress in which clothing partially or opaquely covers “specified anatomical areas”. [*Ord. 304*]

SEXUAL ENCOUNTER CENTER - a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

[*Ord. 304*]

SEXUALLY ORIENTED BUSINESS - an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center. [*Ord. 304*]

SIGN - any structure or part thereof, wall or other outdoor surface, including stationary vehicles/trailers used for advertising purposes, which displays or includes any letter, word, model, banner, flag, pennant, insignia or other representation used for announcements, directions, information or attractions.. [*Ord. 255, as amended by Ord. 340, 10/22/2009, §1*]

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of Part 17 of this Chapter.

SPECIFIED ANATOMICAL AREAS - human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered. [*Ord. 304*]

SPECIFIED SEXUAL ACTIVITIES - any of the following:

- A. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts;

- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- C. Excretory functions as part of or in connection with any of the activities set forth in subsections (A) and (B) above.

[Ord. 304]

STREET - a public or private right-of-way intended as a means of vehicular and pedestrian travel, furnishing access to at least two abutting properties. The term "street" includes road, avenue, drive, court, lane, parkway, boulevard, expressway, highway and similar terms, except that the term "street" does not include alley. *[Ord. 286]*

STREET LINE - the dividing line between a lot and the outside boundary of the right-of-way of a street. Where a future or ultimate right-of-way width for a street has been established, the street line shall be the line of such future right-of-way.

STREET, PRIVATE - a street through which certain private parties have the right of vehicular access in accordance with recorded easements, easements by prescription or other legal instruments. Not a public street. *[Ord. 286]*

STREET, PUBLIC - a street maintained by the State, Township or County intended for public vehicular or pedestrian access. Not a private street. *[Ord. 286]*

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TEMPORARY SIGN - a sign notifying of or advertising a special event such as festivals, exhibits, elections and being displayed for not more than 30 days. *[Ord. 286]*

TRACT - all land which was owned by the same owner or owners on January 1, 1992 and is contiguous. Land shall be considered contiguous even though separated by public or private roads.

TRANSMISSION TOWER - the structure on which transmitting and/or receiving antenna are located. An AM radio tower is its own transmitting antenna.

ULTIMATE RIGHT-OF-WAY - the street right-of-way projected as potentially necessary for adequate handling of anticipated maximum traffic volumes. Ultimate rights-of-way are established in the Subdivision and Land Development Ordinance [Chapter 22]. *[Ord. 286]*

VARIANCE - relief granted pursuant to the provisions of Article XVII of this Chapter.

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

- A. **BUFFER** - a strip of land, entirely landscaped and containing a planting screen, not to be used for buildings, storage, paving, parking loading nor any other accessory or principal uses.
- B. **FRONT** - the required open space, extending into a lot, the required number of feet from the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps. The front yard shall be measured from the street line.
- C. **SIDE** - the required open space, extending from each side line for the required number of feet of the lot, extending from the front yard to the rear yard, exclusive of overhanging eaves, gutters, cornices and steps.
- D. **REAR** - the required open space, extending from the rear line for the required number of feet into the lot throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.

ZONING HEARING BOARD - Zoning Hearing Board of Oley Township. *[Ord. 286]*

ZONING OFFICER - the Building Inspector of the Township of Oley, or such other person as may be designated from time to time by the Board of Township Supervisors to administer this Chapter.

(Ord. 240, 6/24/1992, §201; as amended by Ord. 255, 5/9/1944, §§1, 2; by Ord. 261, 7/10/1995, §1; by Ord. 280, 1/11/1999, §2; by Ord. 283, 3/13/2000, §1; by Ord. 286, 2/12/2001, §1; by Ord. 304, 6/9/2003, §1; by Ord. 306, 8/11/2003, §1; and by Ord. 311, 6/14/2004, §1)

PART 3
CLASSIFICATION OF DISTRICTS

§27-301. Classes of Districts.

For the purposes of this Chapter, the Township of Oley is hereby divided into seven classes of districts, which shall be designated as follows:

RU	Rural Districts
RA	Residential Districts
RMH	Residential - Mobile Home District
V	Village District
LB	Local Business Districts
LIB	Light Industrial and Business District <i>[Ord. 283]</i>
HB	Highway Business Districts
I	Industrial District
AP	Agricultural Preservation District
HV	Historic Village District <i>[Ord. 255]</i>
RUV	Rural Village District <i>[Ord. 255]</i>
AQRC	Age Qualified Residential Community District <i>(Ord. 323)</i>

(Ord. 240, 6/24/1992, §300; as amended by Ord. 255, 5/9/1994, §3; and by Ord. 283, 3/13/2000, §2; and by Ord. 323, 02/08/2006, §4)

§27-302. Zoning Map.

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

“This is to certify that this is the official map of the Township of Oley adopted _____”.

It shall be the final authority as to the current zoning status of all areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

3. The official Zoning Map shall be located in a place designated by the Township Supervisors.

4. If the official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.
5. In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new official Zoning Map which shall supersede such prior map. The new official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amendment thereof. The new official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board and bear the seal of the Township under the following words:

“This is to certify that this official Zoning Map supersedes and replaces the official Zoning Map adopted _____ as part of the Oley Township Zoning Ordinance”.

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

(Ord. 240, 6/24/1992, §301; as amended by Ord. 297, 6/18/2002, §§1-4)

§27-303. District Boundaries.

The boundaries between districts are, unless otherwise indicated, either the centerlines of streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street right-of-way line at distance therefrom equivalent to the number of feet so indicated.

(Ord. 240, 6/24/1992, §302; as amended by Ord. 286, 2/12/2001, §2)

§27-304. Boundary Tolerances.

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the use regulations applicable to either district may extend not more than 50 feet beyond the district boundary line.

(Ord. 240, 6/24/1992, §303)

§27-305. Interpretation of Boundaries.

Where physical features exist that are at variance with the official Zoning Map or in other circumstances not covered by §§27-302 or 27-303, the Township Supervisors shall interpret the district boundaries.

(Ord. 240, 6/24/1992, §304)

§27-306. Regulations and Restrictions.

Except as hereinafter provided, no erection, construction, reconstruction, alteration or use of buildings, structures or land shall be permitted within the district in which such buildings, structures or land are located:

- A. For any purpose other than is permitted in the district.
- B. To exceed the height or building coverage herein established for the district.
- C. To reduce yards or other open spaces in any manner except in conformity with the area regulations established.
- D. To be located on a lot in any manner except as herein defined.
- E. Without obtaining a zoning permit to be issued by the Zoning Officer only in accordance with the provisions of this Chapter.

(Ord. 240, 6/24/1992, §305)

PART 4**RU - RURAL DISTRICTS****§27-401. RU - Rural Districts.**

RU - Rural Districts are designed primarily to encourage the preservation of large, rural areas of the Township for continued agricultural, forest, recreational, conservation and other open space purposes, while, at the same time, providing for such residential use as is compatible with the basic rural character of the districts. In RU Rural Districts, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §400)

§27-402. Use Regulations.

A principal building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Single-family semidetached dwelling.
- C. Two-family detached dwelling.
- D. Agricultural use, including for residential purposes not more than two single-family detached dwellings, or one two-family detached dwelling and one single-family detached dwelling or one single-family semidetached dwelling and one single-family detached dwelling. Any farm building used for the keeping or raising of livestock or poultry or for mushroom culture shall be located not less than 50 feet from any street or other property line.
- E. Woodland or game preserve, wildlife sanctuary, other conservation purpose.
- F. Township use.
- G. Park, playground or similar noncommercial recreational area owned and operated by a public or private nonprofit agency; nursery school, elementary school, middle school, junior high school or high school; church.
- H. Public utility, but not to include an office or place of business, or storage of materials, or trucking or repair facilities or the housing of repair crews.
- I. Kennels pursuant to §27-1417 of this Chapter.

- J. Small business services and craft industries including, but not limited to welding shop, butcher shop, woodworking, furniture restoration and saddle harness sale and repair. Uses permitted under this paragraph must be uses which do not tend to create dust or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. The operation and leasing of self-service storage facilities or garages shall not be permitted. These uses shall be subject to the following conditions:
- (1) There shall be a maximum of three employees in addition to the proprietor.
 - (2) The use or activity must be conducted in a building existing on January 1, 1992 or in a newly constructed building approved by special exception provided that the proposed use in a newly constructed building is primarily for agricultural support.
 - (3) The owner must protect adjacent properties from noise, dust or other potentially detrimental effects of the commercial activity or use.

[Ord. 255, as amended by Ord. 343, 01/28/2010, §2]

- K. Any of the following commercial uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2):
- (1) Outdoor recreational use customarily located in rural areas, other than a use permitted elsewhere in this Section above including, but not restricted to, a picnic grove, park, swimming area, golf course, hunting club, tennis court, riding academy or similar use, provided that:
 - (a) The lot on which any such use is conducted shall be not more than 5 acres in size.
 - (b) The use and its design shall be compatible with the natural character of the area.
 - (c) Any building or structure associated with the use shall be clearly incidental to the permitted outdoor use. The restriction in subsection (a) above will not apply for golf courses or hunting clubs.

[Ord. 255]

- (2) Cemetery.

- L. Any accessory use customarily carried on in conjunction with farming and rural life, or incidental to any dwelling or other main use permitted above, such as:
- (1) Home occupation pursuant to §27-1415 of this Chapter.
 - (2) Quarters for hired help.
 - (3) Roadside stand for the sale of farm products pursuant to §27-1418 of this Chapter.
 - (4) Marketing or processing of farm products and erection or alteration of the usual farm buildings where such use is incidental to agriculture or animal husbandry.
 - (5) Bed and breakfast pursuant to §27-1416 of this Part.
 - (6) Incidental use in conjunction with any outdoor recreational use permitted in §27-402(J) above, such as charging of admissions or sale of refreshments, provided that the commercial aspect of any such use shall be located or screened so that it will not be visible from the public street or an adjoining property.
 - (7) Signs when erected and maintained in accordance with the provisions of Part 15 of this Chapter.
 - (8) Residential accessory buildings and structures.
- M. Communications antenna, subject to the provisions of §27-1407. *[Ord. 280]*
- N. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord 311]*
- O. **No-Impact Home-Based Business.** *[Ord. 306]*

(Ord. 240, 6/24/1992, §401; as amended by Ord. 255, 5/9/1994, §§5, 6, 7; by Ord. 280, 1/11/1999, §3; by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1)

§27-403. Area and Height Regulations.

For every principal building, the following regulations shall apply:

A. Lot Area and Size.

- (1) Minimum Lot Area.
Single-Family Detached Dwelling - 66,000 sq. ft.

Single-Family Semidetached Dwelling - 40,000 sq. ft. per dwelling unit

Two-family Detached Dwelling - 40,000 sq. ft. per dwelling unit

Nonresidential - 66,000 sq. ft. per principal use

(2) **Minimum Lot Width.**

Single-family Detached Dwelling - 150 feet

Single-family Semi-Detached Dwelling - 85 feet per dwelling unit

Two-family Detached - 170 feet

Nonresidential - 150 feet

B. Lot Coverage.

(1) Maximum area of a lot which may be occupied by buildings and structures - 15%.

(2) Maximum area of a lot which may be paved - 5%.

C. Front Yard - Minimum of 50 feet, subject to the provisions of §27-1413.

D. Side Yards - Minimum of 25 feet each.

E. Rear Yard - Minimum of 50 feet.

F. Height.

(1) Agriculture buildings and agriculture structures - No maximum.

(2) All other buildings and structures - Maximum of 35 feet.

G. Parking Area Setbacks. Parking areas shall be set back from property lines according to the following:

(1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].

(2) **Side and Rear.** Twenty-five feet.

[Ord. 286]

(Ord. 240, 6/24/1992, §402; as amended by Ord. 286, 2/12/2001, §3)

PART 5**RA - RESIDENTIAL DISTRICT****§27-501. RA - Residential Districts.**

1. RA - Residential Districts are designed to provide for suburban forms of residential development utilizing both public water and public sanitary sewer services and characterized by a variety of dwelling types and all those related uses (i.e., schools, recreation areas, churches, etc.) ordinarily associated with a well-rounded residential neighborhood.
2. In RA - Residential Districts, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §500)

§27-502. Use Regulations.

A principal building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Single-family semidetached dwelling.
- C. Two-family detached dwelling.
- D. Agriculture use, including for residential purposes not more than two single-family detached dwellings; or one two-family detached dwelling and one single-family detached dwelling; or one single-family semidetached dwelling and one single-family detached dwelling. Any farm building used for the keeping or raising of livestock or poultry or for mushroom culture shall be located not less than 50 feet from any street or other property line.
- E. Township building or use.
- F. Telephone central office or any similar use, but not to include an office or place of business, storage of materials, trucking or repair facilities or the housing of repair crews.
- G. Park, playground or similar noncommercial recreational area owned and operated by a public or private nonprofit agency.

- H. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2):
- (1) Religious, education or philanthropic use not permitted elsewhere in this Section.
 - (2) Club or lodge for fraternal or social purposes, provided that the chief activity of such use shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be primarily for the use of members and their guests only.
 - (3) Hospital, convalescent home or similar institution.
 - (4) Elementary school, middle school, junior high school, high school or church.
 - (5) Quarters for hired help.
- I. Residential development of an area not less than 20 acres in accordance with §27-504 of this Chapter.
- J. Any accessory use customarily carried on in conjunction with and incidental to any dwelling or other principal use permitted above, such as:
- (1) Residential accessory buildings or structures.
 - (2) Roadside stand pursuant to §27-1418 of this Chapter.
 - (3) Home occupation pursuant to §27-1415 of this Chapter.
 - (4) Bed and breakfast pursuant to §27-1416 of this Chapter.
 - (5) Signs pursuant to §27-1502 of this Chapter.
- K. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord.311]*
- L. **No-Impact Home-Based Business.** *[Ord. 306]*

(Ord. 240, 6/24/1992, §501; as amended by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1)

§27-503. Area and Height Regulations.

For every principal building, the following regulations shall apply except as otherwise provided for in the case of a residential development in §27-504:

- A. Lot Area and Width. (See Table on Next Page)
- B. Lot Coverage. (See Table on Next Page)

	Both Public Water and Public Sewer		Public Sewer But No Public Water		No Public Sewer With Or Without Public Water	
	Minimum Lot Size	Minimum Lot Width	Minimum Lot Size	Minimum Lot Width	Minimum Lot Size	Minimum Lot Width
Single-family Detached Dwelling	12,000 sq. ft.	100 feet	20,000 sq. ft.	125 feet	40,000 sq. ft.	150 feet
Single-family Semi-detached Dwelling	12,000 sq. ft. per dwelling unit	50 feet per dwelling unit	20,000 sq. ft. per dwelling unit	60 feet per dwelling unit	40,000 sq. ft. per dwelling unit	80 feet
Two-family Detached Dwelling	12,000 sq. ft. per dwelling unit	100 feet	20,000 sq. ft. per dwelling unit	125 feet	40,000 sq. ft. per dwelling unit	160 feet
Nonresidential Use	40,000 sq. ft.	150 feet	40,000 sq. ft.	150 feet	66,000 sq. ft.	150 feet
Maximum Coverages						
Single-family Detached Dwelling or Single-family Dwelling, or Two Family Detached Dwelling	Building Coverage	35%	Building Coverage	25%	Building Coverage	15%
	Lot Coverage	50%	Lot Coverage	35%	Lot Coverage	20%
Nonresidential	Building Coverage	20%	Building Coverage	20%	Building Coverage	15%
	Paving	50%	Lot Coverage	40%	Lot Coverage	30%

- C. **Front Yard.** Minimum of 40 feet, subject to the provisions of §27-1413.
- D. **Side Yards.**
 - (1) For every permitted use or building other than a dwelling – neither less than 30 feet.
 - (2) For every residential use or dwelling - both side yards shall have a minimum of 35 feet aggregate width and neither less than 15 feet.
- E. **Rear Yard.** Minimum of 30 feet.
- F. **Height.**
 - (1) Agriculture buildings and structures - No maximum.
 - (2) All other buildings and structures - 35 feet maximum.
- G. **Parking Area Setbacks.** Parking areas shall be setback from property lines according to the following:
 - (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance.
 - (2) **Side and Rear.** Thirty feet.

[Ord. 286]

(Ord. 240, 6/24/1992, §502; as amended by Ord. 286, 2/12/2001, §4)

§27-504. Special Development Provisions.

- 1. A property owner seeking to develop a tract of land for residential purposes in accordance with §27-502(I) with an area of not less than 20 acres, shall submit a plan of development in accordance with the provisions of this Section, and the Oley Township Subdivision and Land Development Ordinance [Chapter 22].
- 2. Among the objectives of this Section are:
 - A. Facilitates the provisions of a variety of housing types within a specific density framework.
 - B. Increase potential for achieving flexibility in site layout and building arrangement so as to realize a more attractive and interesting residential environment.

- C. Reduction in site improvement and subsequent maintenance costs.
- D. Avoidance of areas unsuited to development by virtue of certain natural characteristics.
- E. Provision of open space for recreation and conservation purposes, ordinarily not possible under zoning regulations geared to the individual lot.
 - (1) The plan for the proposed development shall comply with all applicable provisions of this Chapter and Township subdivision ordinances [Chapter 22] and shall be subject to review by the Planning Commission and approval by the Board of Supervisors.
 - (2) Permitted residential uses include: single-family detached dwelling, single-family semidetached dwelling, townhouse, apartment house or group of apartment houses. No more than 25% of the total number of dwelling units are to be single-family semidetached, no more than 25% townhouses, no more than 25% apartments and no more than 85% single-family detached.
 - (3) Not less than 20% of the gross area of the tract to be developed shall be permanently set aside for common open space purposes such as recreation or conservation of natural features (i.e., wooded areas, drainage-ways, etc.).
 - (4) The lot area, lot width and other area requirements relating to an individual lot may be reduced from the requirements of the district as indicated below to provide for cluster or other imaginative and attractive forms of lot arrangement.
 - (a) The overall population density for the tract to be developed shall not exceed six dwelling units per acre. In computing the total number of dwelling units, the area utilized shall be the total area of the tract less than 20% set aside for open space.
 - (b) In the case of a single-family detached dwelling, the minimum lot area per dwelling shall be not less than 10,000 square feet.
 - (c) In the case of apartment buildings, the maximum number of dwelling units shall be computed for the portion of the tract devoted to apartment use and may vary with the number of bedrooms. In no case, shall the number of dwelling units permitted be more than the following or the overall density of the tract for all types of dwellings be greater than the maximum density referred to in (2)(d)(l) above:

- 1) Six dwelling units per acre for every dwelling unit with three or more bedrooms.
 - 2) Ten dwelling units per acre for every dwelling unit with two bedrooms.
 - 3) Sixteen dwelling units per acre for every dwelling unit with one bedroom.
- (d) The minimum lot width per dwelling or building shall be:
- 1) Eighty feet for every single-family detached dwelling.
 - 2) Forty feet for every single-family detached dwelling.
 - 3) Eighteen feet for every townhouse dwelling.
 - 4) One hundred feet for every apartment house or group of apartment houses on a lot.
- (e) The minimum lot depth for any single- or two-family dwelling shall be 125 feet.
- (f) No front or rear yard shall be reduced to less than 25 feet and no side yard shall be less than 12 feet in width; provided that no apartment house or group of apartment houses shall be erected within 40 feet of a street nor less than 35 feet from a side or rear property line in the case of a one story building; 40 feet in the case of a two story building, and 50 feet in the case of a three story building.
- (g) The number of townhouses in any continuous grouping shall not exceed six.
- (h) Each use shall comply with the provisions of §§27-1409, 27-1410 and 27-1412 relating to parking, loading, access and highway frontage development.
- (i) The maximum height of a building shall be 35 feet. In addition, no building shall exceed three stories in height.
- (5) In the case of a group of apartment houses on a single lot, the distance at the closest point between any two buildings or groups of buildings shall be as follows:
- (a) Between the front or rear of one building and the front or rear of another building - not less than 40 feet.

- (b) Between the front and rear of one building and the end of another building - not less than 30 feet.
- (c) Between the end of one building and the end of another building - not less than 20 feet.
- (d) Between any part of any two buildings - except as hereinbefore provided, not less than 20 feet.

For the purpose of this subsection the “end” of a building shall be a wall, other than a front wall or rear wall, not longer than 50 feet. Any other wall other than a front wall shall be considered a rear wall insofar as the distance regulations of this Section are considered. Court dimensions shall be governed by the same requirements applying to the fronts and rears of buildings.

- (6) The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tracts, and the proposed development shall be designed as a single project and shall be served by public water and a sanitary sewer facility.
- (7) The areas to be set aside or reserved for open-space purposes shall:
 - (a) Be suitable for the designated purpose.
 - (b) Be consistent with the Comprehensive Plan of the Township.
 - (c) Contain no structure other than a structure related and incidental to the open space use.

They are further subject to:

- (a) A plan showing how the recreation areas will be developed and equipped by the developer shall be submitted to the Township for approval.
- (b) The size, surface conditions, shape, and location of the parcels shall be such that recreational use is feasible.
- (c) No more than 30% of the recreation areas shall be land with slope of over 15% or floodplain or wetlands.
- (d) Recreation areas shall be readily accessible to residents of the development, but shall be so located that they can be reached and used safely, without undue traffic or other hazards.

- (8) Areas for common open space use may be reserved for private use or they may be offered for dedicated to the Township. Areas which are to be dedicated to the Township shall be accepted to the Township and need not be accepted by the Township. Satisfactory written agreements or other arrangements, acceptable to the Township, shall be made for the perpetual preservation and maintenance of all common areas to be set aside and reserved for private use.

(Ord. 240, 6/24/1992, §503)

PART 6**RMH – RESIDENTIAL-MOBILE HOME DISTRICT****§27-601. RMH - Residential-Mobile Home District.**

The RMH - Residential-Mobile Home District is designed to provide for mobile home park development in a manner consistent with the residential character of the Township, utilizing public water and sewer and providing a full range of recreational and community services for the residents. In the RMH - Residential-Mobile Home District, the following shall apply subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §600)

§27-602. Use Regulations.

A principal building or group of principal buildings maybe erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Agriculture use, including for residential purposes not more than two single-family detached dwellings, or one two-family detached dwelling and one single-family detached dwelling, or one single-family semidetached dwelling and one single-family detached dwelling. Any farm building used for the keeping or raising of livestock or poultry shall be located not less than 50 feet from any street or other property line.
- B. Single-family detached dwelling.
- C. Single-family semidetached dwelling.
- D. Two-family detached dwelling.
- E. Mobile home park providing for the use and occupancy of two or more mobile homes.
- F. Accessory uses for a mobile home park including laundry, recreational facilities and retail sale of food and convenience items for the use of the mobile home park residents only.
- G. Any accessory use customarily carried on in conjunction with, or incidental to, any dwelling or other principal use permitted above, such as:
 - (1) Residential accessory building and structures.
 - (2) Home occupation pursuant to §27-1415 of this Chapter.

- (3) Roadside stand pursuant to §27-1418 of this Chapter.
- (4) Bed and breakfast pursuant to §27-1416 of this Chapter.
- H. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2).
 - (1) Quarters for hired help.
- I. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord.311]*
- J. **No-Impact Home-Based Business.** Permitted use by right in all residential zones of the municipality. *[Ord. 311]*

(Ord. 240, 6/24/1992, §601; as amended by Ord. 311, 6/14/2004, §1)

§27-603. Site Requirements.

- 1. No site shall be developed for use as a mobile home park which is not served by public sewer and by public water (or by a sewage plant approved by the Township Board of Supervisors and by the Pennsylvania Department of Environmental Protection). *[Ord. 311]*
- 2. No site shall be approved for development as a mobile home park which is less than 10 acres in size.

(Ord. 240, 6/24/1992, §602; as amended by Ord. 311, 6/14/2004, §1)

§27-604. Area, Density, Width, Yard and Height Regulations for Mobile Homes and Accessory Structures Within Mobile Home Parks.

- 1. **Minimum Mobile Home Lot Size per Mobile Home**
 - A. Single width mobile home 4,000 sq. ft.
 - B. Double width mobile home 8,000 sq. ft.
- 2. **Maximum Density of Mobile Homes** 6 dwelling units per acre
(Dwelling Units)
- 3. **Minimum Mobile Home Lot Width** 40 feet
(Measured at the Minimum Building Setback Line)
- 4. Minimum setback line for mobile homes from property line of mobile home park and street line boundary 50 feet

- | | | |
|----|---|---------|
| 5. | Front Yard - Minimum
(Front streets internal to the mobile home park) | 20 feet |
| 6. | Minimum Distance Between Mobile Homes | 20 feet |
| 7. | Minimum Distance Between Mobile Homes and Service or Accessory Building or Common Parking Facility | 30 feet |
| 8. | Maximum Coverages | |
| A. | Building coverage | 30% |
| B. | Lot coverage | 65% |
| 9. | Parking Area Setbacks. Parking areas shall be set back from property lines according to the following: | |
| A. | Front. No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22]. | |
| B. | Side. | 25 feet |
| C. | Rear. | 50 feet |

(Ord. 240, 6/24/1992, §602; as amended by Ord. 286, 2/12/2001, §5)

§27-605. Standards For Mobile Home Parks.

1. Not more than two access roads shall be constructed to serve as an entrance and exit to any single street located outside of the site.
2. One clothes washer and one clothes dryer shall be provided for each five occupied berths in a separate building.
3. Indoor recreational facilities shall be provided in a community building if more than 30 berths are occupied according to a recreation plan filed with the Planning Commission.
4. No more than five adjacent mobile home lots shall be located so that they are parallel to each other.
5. An evergreen planting screen shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. Screens shall be a year-round screen which shall be maintained permanently, and plant material which does not live shall be replaced within 1 year. The trees shall be a minimum height of 5 feet when planted and the spacing and species shall be

such as to provide a full screen. The species and spacing of trees are subject to approval of the Township.

(Ord. 240, 6/24/1992, §604)

§27-606. Nonresidential Use.

No part of a mobile home park shall be used for nonresidential purposes, except a laundromat and recreation area can be constructed and common open space shall be used for the pleasure and recreation of the park residents. An office for the park management, and a convenience store will also be permitted on the premises.

(Ord. 240, 6/24/1992, §605)

§27-607. Administration.

1. **License.** It shall be unlawful to operate a mobile home park within the Township unless a license has been issued by the Board of Supervisors following the payment of the license fee as established and unless a Certificate of Registration has been issued by the Pennsylvania Department of Environmental Protection. Such license and certificate shall be issued annually. *[Ord. 311]*
2. **Transfer of License.** Licenses are not transferable. Notice in writing shall be given to the Board of Supervisors by the owner of a mobile home park within 10 days after a mobile home park has been sold, transferred, given away, leased or the controlling interest otherwise disposed of. A transfer of certificate by the Pennsylvania Department of Environmental Protection shall be required and a new application with the Township shall be made. *[Ord. 311]*
3. **Park Registration List.** The park shall furnish the Township a list of the tenants of the park, any change in tenancy shall be reported within 2 week. The Board of Supervisors shall have the power to inspect the park register containing a record of all residents of the mobile home park at any reasonable time.
4. **Fees.** All applications to the Township for a mobile home park shall be accompanied by the payment of a fee which shall be in an amount as established by resolution, from time to time, by Township Supervisors. *[Ord. 311]*

(Ord. 240, 6/24/1992, §606; as amended by Ord. 311, 6/14/2004, §1)

§27-608. Area and Width Requirements For Principal Buildings Other Than Mobile Homes in Mobile Home Parks.

1. **Lot Area and Width.** See table on next page.
2. **Area of Lot That May Be Occupied By Buildings, Structures and Pavings.**
See table on next page.
3. **Front Yard.** Minimum of 40 feet, subject to the provisions of §27-1413.
4. **Side Yards.** Both side yards shall have a minimum of 35 feet in aggregate width and neither shall be less than 15 feet.
5. **Rear Yard.** Minimum of 30 feet.
6. **Height.**
 - A. Agriculture buildings and agriculture structures - No maximum.
 - B. All other buildings and structures - Maximum of 35 feet.

	Both Public Water and Public Sewer		Public Sewer But No Public Water		No Public Sewer and Water With Or Without Public Water	
	Minimum Lot Size	Minimum Lot Width	Minimum Lot Size	Minimum Lot Width	Minimum Lot Size	Minimum Lot Width
Single-family Detached Dwelling	12,000 sq. ft.	100 feet	20,000 sq. ft.	125 feet	66,000 sq. ft.	150 feet
Single-family Semi- detached Dwelling	12,000 sq. ft. per dwelling unit	50 feet per dwelling unit	20,000 sq. ft. per dwelling unit	60 feet per dwelling unit	40,000 sq. ft. per dwelling unit	80 feet per dwelling unit
Two-family Detached Dwelling	12,000 sq. ft. per dwelling unit	100 feet	20,000 sq. ft. per dwelling unit	125 feet	40,000 sq. ft. per dwelling unit	160 feet
Maximum Coverage for Uses Listed in §27-608(1) above						
Building Coverage	35%		25%		15%	
Lot Coverage	50%		35%		20%	

(Ord. 240, 6/24/1992, §607)

PART 7**V - VILLAGE DISTRICT****§27-701. V - Village District.**

1. The V - Village District recognizes the existing development which has occurred in the Village of Oley and permits the continuation of such mixing of residential, commercial and public uses at a high density. Public sewer and water facilities are available to serve this district.
2. In the V - Village District, the following shall apply, subject also to the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §700)

§17-702. Use Regulations.

A principal building or group of principal buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling, single-family semidetached dwelling or two-family detached dwelling.
- B. Retail store or group of retail stores.
- C. Restaurant, not including drive-in restaurant or refreshment stand.
- D. Office, agency or studio.
- E. Club or lodge.
- F. Bank.
- G. Personal service shop, such as barber shop, beauty shop and clothes cleaning and pressing pickup agency.
- H. Custom or repair shop for the repair or servicing of clothing or household articles or for making articles to be sold at retail on the premises, such as shoe repair shop, radio or television repair shop, jewelry shop, tailor or dressmaking shop, bakery or confectionary shop.
- I. Township building, post office, library, telephone central office or emergency service facility for fire and ambulance apparatus.

- J. Conversion of single-family detached dwelling to apartments, subject to:
- (1) Each dwelling unit shall have at least 600 square feet of floor area for a one bedroom unit and not less than an additional 200 square feet for each additional bedroom.
 - (2) Two off-street parking spaces shall be provided for each dwelling unit.
 - (3) The lot shall contain at least 4,356 square feet per dwelling unit.
- K. Apartment buildings and townhouses, subject to:
- (1) The lot shall contain at least 4,356 square feet per dwelling unit.
 - (2) No apartment building shall be closer than 40 feet to any other building on the lot and no townhouse shall be closer than 40 feet to any other building on the lot, except another townhouse in the same contiguous grouping of townhouses.
 - (3) A minimum of 15% of the lot shall be permanently devoted to common open space purposes.
 - (4) Minimum front, rear and side yards shall be 25 feet.
 - (5) No more than six townhouses shall be permitted in any contiguous grouping.
- L. Accessory building or use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to:
- (1) Home occupations pursuant to §27-1415 of this Chapter.
 - (2) Bed and breakfast inn pursuant to §27-1416 of this Chapter.
 - (3) Signs pursuant to §27-1503 of this Chapter.
- M. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2).
- (1) Theater, meeting hall, community center and similar indoor places for amusement, recreation or assembly, not to include bowling alleys and skating rinks.
 - (2) Motor vehicles service station (not including car sales lot or automobile care wash as a main use), provided that all facilities are located and all services are conducted within the confines of the lot.

- (3) Day care center, nursery school, elementary school, middle school, junior high school or senior high school.
 - (4) Churches and related religious uses.
 - (5) Automatic self-service laundry or dry cleaning establishment.
 - (6) Governmental or public utility use other than a use permitted in this district above, provided that the Board shall determine that the placement of such use in the proposed location is appropriate or a public necessity.
 - (7) Park, playground, or similar noncommercial recreational area owned and operated by a public or private nonprofit agency.
- N. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord. 311]*
- O. **No-Impact Home-Based Business.** *[Ord. 306]*

(Ord. 240, 6/24/1992, §701; as amended by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1; and by Ord. 332, 06/19/2008, §1)

§27-703. Area, Height and Special Regulations.

Every principal building, group of principal buildings on a lot or use shall comply with the following area, height, and special regulations, unless otherwise provided for in this Chapter:

- A. **Lot Area and Width.**
 - (1) **Minimum Lot Area** - 6000 square feet (Public sewer and water required).
 - (2) **Minimum Lot Width** - 50 feet.
- B. **Area of Lot That May be Occupied by Buildings.** 50% maximum.
- C. **Lot Coverage.** 90% maximum.
- D. **Yards.**
 - (1) **Front Yard.** Minimum of 25 feet, provided that if parking is provided for in the front yard, the minimum shall be 50 feet subject to the provisions of §27-1413.
 - (2) **Side Yards.** 10 feet each side minimum.

- (3) Rear Yard. 25 feet minimum.
- E. **Height** . Maximum of 35 feet.
- F. **Exceptions to Yard Requirements.**
- (1) **Front Yard Exceptions.** When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Chapter. For the purpose of this Section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.
 - (2) **Accessory Building Setback Exceptions.** On any lot on which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that principal building.
 - (3) **Side Yard Exceptions.** In the case of a lot on which a principal residential building existing at the effective date of this Chapter, and said building does not comply with the side yard requirements of this Chapter, that building or an accessory building thereto may be expanded or constructed into the violated side yard provided that such expansion or construction will not be situated closer to the side property line than the existing principal residential building on the lot, will not result in any violation of any Township Building Code, and written permission is secured from the property owner abutting the violated side yard.
 - (4) **Rear Yard Exceptions.** In the case of a lot on which a principal residential building existed at the effective date of this Chapter, and said building does not comply with the rear yard requirements of this Chapter, that building may be expanded into the violated rear yard provided that such expansion will not be situated closer to the rear lot line than the existing principal residential building on the lot and, it will not result in any violation of any Township Building Code and written permission is secured from all property owners abutting the rear yard. A residential accessory building may be erected within the required rear yard provided the adjoining property has a nonconforming accessory building within this required rear yard and if the erection will not result in a violation greater than occurs on

immediately adjacent properties to the subject property, and provided that all building separation requirements of any Township Building Code are met and provided that written permission is secured from all property owners abutting the rear yard.

H. **Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:

- (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].
- (2) **Rear and Side.** Ten feet.

[Ord. 286]

(Ord. 240, 6/24/1992, §702; as amended by Ord. 286, 2/12/2001, §6)

PART 8**LB - LOCAL BUSINESS DISTRICTS****§27-801. LB - Local Business Districts.**

1. LB - Local Districts are designed to encourage the provision of planned, integrated retail centers, comprising a group of related business uses and designed as a single architectural scheme with adequate provision for off-street parking and highway access.
2. In LB - Local Business Districts, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §800)

§27-802. Use Regulations.

A principal building or group of principal buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling, single-family semidetached dwelling or two-family detached dwelling.
- B. Retail store or group of retail stores.
- C. Restaurant, not including drive-in restaurant or refreshment stand.
- D. Office, agency or studio.
- E. Club or lodge.
- F. Bank.
- G. Personal service shop, such as barber shop, beauty shop and clothes cleaning and pressing pickup agency and dry cleaning establishment.
- H. Custom or repair shop for the repair or servicing of clothing or household articles or for making articles to be sold at retail on the premises, such as shoe repair shop, radio or television repair shop, jewelry shop, tailor or dressmaking shop, bakery or confectionery shop.
- I. Township building, post office, library, telephone central office or similar governmental or public utility use.

- J. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2):
- (1) Theater, meeting hall, community center and similar indoor places for amusement, recreation or assembly, not to include bowling alleys, skating rinks and similar uses.
 - (2) Motor vehicle service station (not including car sales lot or automobile carwash as a main use), provided that all facilities are located and all services are conducted within the confines of the lots.
 - (3) Day care center, nursery school, elementary school, middle school, junior high school, senior high school.
 - (4) Automatic self-service laundry or dry cleaning establishment.
 - (5) Governmental or public utility use other than a use permitted in this Section above, provided that the Board shall determine that the placement of such use in the proposed location is appropriate or a public necessity.
 - (6) Churches and related religious uses.
 - (7) Home occupation pursuant to §27-1415 of this Chapter.
 - (8) Outdoor flea market pursuant to §27-1423 of this Chapter.
- K. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord. 311]*

(Ord. 240, 6/24/1992, §801; as amended by Ord. 311, 6/14/2004, §1)

§27-803. Area, Height and Special Regulations.

Every principal building, group of principal buildings on a lot or use shall comply with the following area, height and special regulations:

- A. **Lot Area, Width and Depth.** For each building, group of buildings on a lot, dwelling unit or use - minimum lot area of 15,000 square feet and minimum lot width of 100 feet. 15,000 square feet is a minimum if public water and sewer are available, if public sewer is not available the minimum lot area shall be 40,000 square feet.
- B. **Maximum Coverages.**
 - (1) Building Coverage 40%

- (2) Lot Coverage 80%

C. **Yards.**

- (1) **Front Yard.** Minimum of 25 feet, provided that if parking is provided for in the front yard, the minimum shall be 50 feet and subject to the provisions of §27-1413.
- (2) **Side Yards.** 10 feet each side minimum.
- (3) **Rear Yard.** Minimum of 25 feet.

D. **Open Area.** Minimum of 10%.

E. **Height.** Maximum of 35 feet.

F. **Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:

- (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22]. *[Ord. 286]*
- (2) **Side and Rear.** Ten feet.

[Ord. 286]

G. **Special Procedural Requirements.**

- (1) The application for a permit to construct two or more stores or permitted uses on a lot, shall be accompanied by a plan. Such plan shall comply with the provision of the Township and Subdivision and Land Development Ordinance [Chapter 22] and shall be subject to review under said Chapter by the Planning Commission and approved by the Board of Supervisors.
- (2) The request for a permit to construct a use referred to in §27-803(F)(1). above shall be accompanied by the following information:
- (a) A plan for the integrated development of the total area to be developed which shall be drawn to scale and shall include among other things:
- 1) The location, boundaries, dimensions and ownership of the land to be included in the area for which application is made.

- 2) The location, dimensions, arrangement and proposed use of all buildings and open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas and screening devices.
- (b) A description of the provisions made for sewage and waste disposal, water supply and stormwater drainage.
- (c) Sufficient data, in all instances, to enable the Township to judge the effectiveness of the design and the character of the proposed use, its compliance with the requirements of this Part and to consider properly such things as its relationship to surrounding areas, anticipated traffic, public health, safety and welfare.

[*Ord. 286*]

H. **Special Design Requirements.**

- (1) Each permitted use, other than a parking lot, off-street loading facility or public utility, shall be conducted within a completely enclosed building.
- (2) Along each side or rear property line which abuts an RU, RA or RMH District boundary line, a buffer yard not less than 25 feet in width shall be provided on which shall be placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen (see §27-303).
- (3) No storage of merchandise, articles or equipment shall be permitted outside a building and no self-service gasoline station or similar use shall be permitted on a lot.
- (4) If there is more than one building or use on a single lot:
 - (a) The proposed development shall be designed as, or as part of, a single architectural and landscaping scheme.
 - (b) The group of buildings as a whole shall comply with the area and yard regulations of the district.
 - (c) The distance at the closest point between any two buildings or groups of buildings shall be at least as great as the average height of the two adjoining buildings and not less than 20 feet.

- (5) Each use shall comply with the provisions of §§27-1409, 27-1410 and 27-1412, relating to parking, loading, access and highway frontage development and with any other applicable general requirements of this Chapter.

[Ord. 286]

(Ord. 240, 6/24/1992, §802; as amended by Ord. 286, 2/12/2001, §7)

PART 9**HB - HIGHWAY BUSINESS DISTRICTS****§27-901. HB - Highway Business Districts.**

1. HB - Highway Business Districts are designed primarily to provide for the special requirements of a wide-range of highway oriented and service type business establishments and to encourage the sound and attractive commercial development of highway frontage.
2. In HB - Business Districts, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §900)

§27-902. Use Regulations.

A principal building or group of principal buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Any nonresidential use permitted by right in LB - Local Business Districts.
- B. Wholesale, office or showroom, contractor or general service shop including machine shop, carpentry, plumbing, lumber mill, planning mill or any similar shop.
- C. Tourist, rooming or boarding house.
- D. Motor vehicle service station, motor vehicle sales agency, public garage or automobile repair shop (but not to include outdoor car sales lot, automobile carwash or trailer sales agency as a main use), provided that all facilities are located and all services are conducted within the confines of the lot. All repairs must be conducted inside a building. All parts must be stored inside a building.
- E. Indoor place of amusement, recreation or assembly.
- F. Warehouse in conjunction with a permitted use, frozen food locker.
- G. Laundry or dry cleaning plant, provided that no inflammable liquids are utilized.
- H. Business or trade school.
- I. Job printing or publishing establishment.

- J. Mortuary.
- K. Accessory building or use on the same lot with and customarily incidental to any of the foregoing permitted uses, and signs when erected and maintained in accordance with the provisions of Part 15 of this Chapter.
- L. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2):
 - (1) Outdoor place of amusement, recreation or assembly.
 - (2) Distributing or trucking establishment.
 - (3) Indoor storage building other than permitted in this Section above, and outdoor storage of building materials or products of manufacturing uses permitted in the Township (but not including junk yard or similar use), provided that the area used for storage is suitably screened from the surrounding area by a satisfactory fence, wall, planting or other barrier which is not less than 6 feet in height.
 - (4) Wholesale business establishment other than permitted in this Section above.
 - (5) Commercial greenhouse or nursery.
 - (6) Bakery, drive-in restaurant or refreshment stand.
 - (7) Car sales lot or trailer sales agency.
 - (8) Automobile car wash, on a lot area of not less than 20,000 square feet, provided that:
 - (a) No portion of the lot used for washing shall be within 200 feet of a residence district boundary line.
 - (b) All washing operations shall be conducted within an enclosed building or structure
 - (c) A minimum of 10 off-street customer parking or waiting spaces be provided on the same site for each car washing stall or space. The location of parking shall be such as not to require the re-entry of cars into the street or the recrossing of sidewalks to gain access into the actual car washing facilities.
 - (d) No water from the car washing activities to be discharged onto a public street or adjacent property.

- (9) Hotel or motel, on a lot not less than 2 acres in size, provided that the location is appropriate for the use.
- (10) Kennels pursuant to §27-1417 of this Chapter.
- (11) Outdoor flea market pursuant to §27-1423 of this Chapter.

M. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord. 311]*

(Ord. 240, 6/24/1992, §901; as amended by Ord. 311, 6/14/2004, §1)

§27-903. Area, Height and Special Regulations.

Every principal building, group of principal buildings on a lot or use shall comply with the following area, height and special design regulations:

- A. **Lot Area and Width.** For each principal building - minimum lot area of 15,000 square feet and minimum lot width of 100 feet except as otherwise required above. This minimum lot area applies only if public water and sewer are available, if public sewer is not available the minimum lot area shall be 40,000 square feet.
- B. **Maximum Coverages.**
 - (1) Building Coverage 50%
 - (2) Lot Coverage 90%
- C. **Yards.**
 - (1) **Front Yard.** Minimum of 50 feet, subject to the provision of §27-1413, and provided that parking shall not be permitted within 10 feet of any street line.
 - (2) **Side Yards.** Two yards, minimum of 20 feet each.
 - (3) **Rear Yard.** Minimum of 30 feet.
- D. **Height.** Maximum of 35 feet.
- E. **Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:
 - (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22]

- (2) **Side and Rear.** Ten feet.

[Ord. 286]

F. Special Procedural Requirements.

- (1) The application for a permit to construct two or more stores or permitted uses on a lot shall be accompanied by a plan in compliance with the provisions of the Township Subdivision and Land Development Ordinance [Chapter 22] and shall be subject to review under said Chapter by the Planning Commission and approved by the Board of Supervisors.
- (2) The request for a permit to construct a use referred to in (1) above shall be accompanied by the following information:
- (a) A plan for the integrated development of the total area to be developed which shall be drawn to scale and shall include among other things:
- 1) The location, boundaries, dimensions and ownership of the land to be included in the area for which application is made.
 - 2) The location, dimensions, arrangement and proposed use of all buildings and open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas and screening devices.
- (b) A description of the provisions made for sewage and waste disposal, water supply and storm water drainage.
- (c) Sufficient data, in all instances, to enable the Township to judge the effectiveness of the design and the character of the proposed use, its compliance with the requirements of this Part and to consider properly such things as its relationship to surrounding area, anticipated traffic, public health, safety and welfare.

[Ord. 286]

G. Special Design Requirements.

- (1) No operation, equipment or use shall be harmful or hazardous as defined in §27-1408.

- (2) Each use, other than a parking lot, off-street loading facility, public utility or motor vehicle service shall be conducted within a completely enclosed building. Special exception uses contained in §27-902(L)(1)-(7) when permitted are also exempt from being conducted within a completely enclosed building.
- (3) No storage of merchandise, articles or equipment shall be permitted outside a building or similar use shall be permitted on a lot.
- (4) If there is more than one building or use on a single lot:
 - (a) The proposed development shall be designed as, or as part of, a single architectural and landscaping scheme.
 - (b) The group of buildings as a whole shall comply with the area and yard regulations of the district.
 - (c) The distance at the closest point between any two buildings or groups of buildings shall be at least as great as the average height of the two adjoining buildings and not less than 20 feet.
- (5) Along each side or rear property line which abuts an RU, RA or RMH District boundary line, a buffer yard not less than 25 feet in width shall be provided on which shall be placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen (see §27-303).
- (6) Each use shall comply with the provisions of §§27-1409, 27-1410 and 27-1412 relating to parking, loading, access and highway frontage development and with any other applicable general requirements of this Chapter.

[Ord. 286]

(Ord. 240, 6/24/1992, §902; as amended by Ord. 286, 2/12/2001, §8

PART 10**I - INDUSTRIAL DISTRICTS****§27-1001. I - Industrial District.**

1. The Industrial District is designed:
 - A. To establish zoning regulations and controls for use of land and structures for industrial purposes, areas of lots, bulk of buildings, provisions for off-street parking and other similar accessory uses in order to encourage unified development of industrial uses and to encourage facilities that are a harmonious and appropriate use of the overall land resources of the Township.
 - B. To provide areas to be used for open mining and for other purposes which create safety problems. Open mining may create additional future problems through the removal of the soil and its other underlying rock structures and subsurface water. For these reasons special restrictions are placed upon such uses so that they may be conducted in keeping with the public health, safety and welfare.
 - C. To protect areas surrounding the Industrial District, against objectionable influences such as offensive noise, vibration, smoke, odors, glare and fire and safety hazards.
 - D. To control the spacing and height of industrial facilities built in the district to assure that they do not unduly infringe on the right of access to incident solar energy.
 - E. To protect industrial development against uses which are incompatible with it.
2. In Industrial Districts, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §1000)

§27-1002. Use Regulations.

A principal building or group of principal buildings maybe erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Agriculture Use, including for residential proposes not more than two single-family detached dwellings; or one/two single-family detached dwelling and one single-family detached dwelling; or one single-family semidetached

dwelling and one single-family detached dwelling. Any farm building used for the keeping or raising of live stock or poultry or for mushroom culture shall be located not less than 50 feet from any street or other property line.

- B. Woodland or game preserve, wildlife sanctuary other conservation purpose.
- C. Quarry.
- D. Asphalt paving production plant.
- E. Any activity involving a cleaning, distribution, processing, packaging, fabrication, production, repair, storage or testing of materials goods and/or products provided that all such activities shall be carried on within a building.
- F. Contractors equipment storage yard or building or rental of equipment commonly used by contractors provided such equipment is adequately screened from view.
- G. Township uses and buildings and related activities such as fire and police stations.
- H. Research and experimental laboratories.
- I. Wholesale and warehouse activities provided that they are carried on within a building.
- J. Printing and publishing activities.
- K. Heliport providing that it is properly licensed by the Pennsylvania Department of Transportation, that it meets all applicable State and Federal regulations and that the area used for landing and take-off is located at least 300 feet from adjacent property lines. *[Ord. 255]*
- L. Only the following accessory uses shall be permitted:
 - (1) Customary accessory uses related to industry activity.
 - (2) Residential quarters for watchman and/or caretakers when located within the building housing the principal use.
 - (3) Restaurant or cafeteria facilities for employees.
 - (4) Medical facilities for employees.
 - (5) Fire apparatus and equipment areas.

- (6) Heliport providing that it is properly licensed by the Pennsylvania Department of Transportation, that it meets all applicable State and Federal regulations, and that the area used for landing and take-off is located at least 300 feet from adjacent property lines.
- M. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2):
- (1) Junkyard provided that the premises shall be maintained so as not to constitute a nuisance and provided that an evergreen planting screen is established of sufficient height and density to prevent sight of material stored in the junkyard.
 - (2) Single family detached dwelling as an accessory use.
 - (3) **Adult Entertainment Uses.**
 - (a) **Intent.** The Township of Oley has determined that adult entertainment uses frequently have secondary affects which can have a negative impact upon the health, safety and welfare of the Township residents. These situations include difficulties with law enforcement, municipal maintenance, trash, negative effects on business and residential property values, and increased crime and prostitution. The Township of Oley considers that limiting the location of adult entertainment uses is a legitimate and reasonable means of addressing the secondary affects of such uses without affecting or suppressing any activities protected by the First Amendment of the United States Constitution.
 - (b) **Development Regulations.** All adult entertainment uses shall meet the following conditions:
 - 1) Adult entertainment uses which shall include adult arcades, adult bookstores, adult novelty stores or adult video stores, adult cabarets, adult motion picture theaters, adult theaters, escort agencies, nude model studios and sexual encounter centers, shall not be located in any zoning district, except for the Industrial District, when authorized by the Zoning Hearing Board as a special exception subject to the conditions of this Section and the conditions contained in §27-1707(2).
 - 2) No adult entertainment use shall be located within 1,000 feet of:

- a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities, school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - c) A licensed premises, licensed pursuant to the Alcoholic Beverage Control Regulations of the Commonwealth of Pennsylvania; and
 - d) Any other adult entertainment use.
- 3) Within 800 feet of a boundary of a residential district, as defined in this Part.
- 4) Within 500 feet of:
- a) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Township which is under the control, operation or management of the Township Park and Recreational authorities, or other similar land within the Township which is under the control, operation or management of private parties and open and available for the use by the general public; and
 - b) An entertainment business which is oriented primarily towards children and family entertainment.

For the purpose of this subsection (b), measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment use is conducted, to the nearest property line of the premises of the use listed in subsection (b). The presence of a municipal, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection (b).

- (c) Any lot which is to be used for any adult entertainment use shall contain screening and buffering along property lines adjoining other zoning districts in accordance with the provisions of §27-1006(A) of this Part.
- (d) Sufficient additional data shall be submitted to enable the Zoning Hearing Board to determine that the requirements of this and other ordinances of the Township relevant to the proposed use have been fulfilled, and that the owners and operators of proposed adult entertainment facilities demonstrate a desire and ability to comply with the ordinances of the Township and to prevent their establishments from being used for any illegal activities.
- (e) No exterior display of products, activities or shows shall be permitted, except for a sign. In lieu of the sign requirements contained in §27-1503 of this Chapter, a sign for an adult entertainment use shall meet the following requirements:
 - 1) The sign shall only identify the name of the establishment and/or its hours of operation.
 - 2) The area of the sign shall not exceed 40 square feet.

[Ord. 304]

- N. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord. 311]*

(Ord. 240, 6/24/1992, §1001; as amended by Ord. 255, 5/9/1994, §8; by Ord. 304, 6/9/2003, §1; and by Ord. 311, 6/14/2004, §1)

§27-1003. Area, Yard, Height and Special Regulations.

- 1. The area, yard and height regulations are divided into the groups by use.

2. Every principal building, group of principal buildings on a lot or use shall comply with the area, yard, height and special regulations are as follows:

A. **Group One.** Any principal building or group of principal buildings which may be erected, altered or used and any lot which may be used or occupied for any of the purposes listed in §27-1002(A), (B), (C), (D), (K), (L) and(M)(1) shall be governed by the regulations established in this Subsection. *[Ord. 255]*

(1) Maximum Regulations.

Lot coverage	40%
Building height	40 feet
Structures not affording shelter for humans or animals	65 feet

(2) Minimum Regulations.

Lot size	10 acres
Lot width	1,000 feet
Distance between highway access points	500 feet
Improvement setback line	150 feet
Yard requirements	
Side yard (each side)	150 feet
Rear yard	150 feet
Open Area	20%

B. **Group Two.** Any principal building or group of principal buildings which may be erected, altered or used and any lot which may be used or occupied for any of the purposes listed in §27-1002(E), (F), (G), (H), (I), (J), (L) and (M)(2) shall be governed by the regulations established in this Subsection.

(1) Maximum Regulations.

Lot coverage	60%
Building coverage	40%
Building height	35 feet

(2) Minimum Regulations.

Lot size	2 acres
Lot width	150 feet
Distance between buildings	20 feet
Front yard 50 feet (100 feet opposite an RU or RA District)	
Improvement setback line	25 feet
Yard requirements	
Side yard for each side (100 feet when adjacent to an RU or RA District)	10 feet

Rear yard 25 feet
(100 feet when adjacent to an RU or RA District)

A front yard opposite an RU or RA District and a rear yard or side adjacent to an RU or RA District shall be a buffer yard, as defined in this chapter, for the minimum required distance of 100 feet.

(Ord. 240, 6/24/1992, §1002; as amended by Ord. 255, 5/9/1994, §10)

§27-1004. Parking Area Setbacks.

Parking areas shall be set back from property lines according to the following:

- A. **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].
- B. **Side and Rear.** Fifty feet.

(Ord. 240, 6/24/1992; as added by Ord. 286, 2/12/2001, §9)

§27-1005. Performance Standards.

In addition to the performance standard of §27-1408 of this Chapter, all uses shall be subject to the following regulations:

- A. No emission of fumes, vapor or dust shall be permitted which can cause damage to health, animals, or vegetation or other forms of property or which can cause any soiling at any point beyond the property line.
- B. No potentially dangerous effluent from operations shall be discharged.
- C. Blasting shall be controlled to conform to latest state regulations. Blasting shall not be permitted between 7 p.m. and 7 a.m. and shall not be permitted on Sundays and legal holidays.
- D. No odors shall be detectable beyond the zoning district boundary from any manufacturing operation or product.
- E. No smoke emission shall be permitted except in conformance to the latest applicable laws of Pennsylvania regulating air pollution.
- F. No physical vibration from operations shall be produced which is perceptible beyond the boundaries of the Zoning District.

- G. No electromagnet radiation nor injurious radioactive emission shall be produced.
- H. No waste material shall be stored on the lot other than product or by product of the operations.
- I. All applicable Federal, State and local requirement shall apply. In the case of conflicting requirements, the most stringent requirement shall apply.
- J. The Township shall be provided with a copy of all permits, permit applicants, licenses and related material required by State or Federal agencies.

(Ord. 240, 6/24/1992, §1003; as amended by Ord. 286, 2/12/2001, §9)

§27-1006. Special Requirements.

Every building or group of buildings shall comply with the following list of special requirements:

- A. The required yards and set back areas shall be suitably landscaped by tree plantings to reduce the visibility of the operations being conducted.
- B. No storage of products or by products shall be permitted to reach a height in excess of 50 feet or be located within 150 feet of any lot line.
- C. No grade which exceeds 35 feet of vertical drop per 100 feet of horizontal distance shall be permitted in any area unless access to its restricted by an industrial chain link fence 6 feet in height when such a grade or drop is:
 - (1) Along or within 500 feet of any public road.
 - (2) Along or within 500 feet of any public or semi/public activity which generates large groups or intense activity.
 - (3) Along or within 500 feet of any existing residence.
 - (4) Along or within 500 feet of any district which permits residence uses, unless pit area is more than 500 feet from district line.
- D. Stored or abandoned by products not beneficially used within 1 year of excavation must be used to provide a backfill in areas no longer actively mined or quarried. Beneficial used shall consist of use for the normal intended purpose by product. Alternatively, abandoned by products may be planted with vegetation which will prevent erosion, dust and unsightliness and which will result in an appearance that blends in with the natural vegetation of this area.

- E. All roadways shall be so maintained that dust is adequately restricted from spreading because of trucking operations.
- F. No crushing operations shall be permitted within 50 feet of any property line.
- G. No heat or glare shall be perceptible beyond the lot line.
- H. All mining or excavating areas must be suitably posted with restrictive warning signs.
- I. No open mine shall be closer than 50 feet to any property line or road right of way.
- J. All explosives shall be stored in a permanent building adequately locked, not less than 200 feet from any residence or any residential district line.
- K. Plans for site reclamation and erosion and sediment control, meeting any and all Federal and State requirements, shall be submitted to the Township prior to the issuance of a zoning permit.

(Ord. 240, 6/24/1992, §1004; as amended by Ord. 286, 2/12/2001, §9)

§27-1007. Off-street Parking Regulations.

As required by §27-1409 of this chapter.

(Ord. 240, 6/24/1992, §1005; as amended by Ord. 286, 2/12/2001, §9)

§27-1008. Off-street Loading Regulations.

As required by §27-1410 of this chapter.

(Ord. 240, 6/24/1992, §1006; as amended by Ord. 286, 2/12/2001, §9)

§27-1009. Site Plan Review.

In order to assure the satisfactory development of industrial sites, it shall be required that prior to use or occupancy of such a lot, building, site, parcel or property, a site plan in accordance with the Township Subdivision and Land Development Ordinance [Chapter 27] shall be submitted to the Planning Commission for review (prior to the issuance of a building permit to occupy or use the lot for the uses prescribed herein). Such a plan shall include the following:

- A. A survey drawn to scale prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania, showing the exact size, shape and dimensions of the lot built upon.
- B. The exact size and location on the lot of all existing buildings and structure.
- C. The exact size and locations on the lot of the structure or building proposed to be erected, removed, repaired or altered.
- D. All adjacent streets or allies with traffic flow patterns.
- E. The proposed parking facilities include the size, arrangement and number of parking stalls and placement of lighting standards, if needed.
- F. The proposed pattern for movement of all vehicles including ingress and egress drives, off-street parking and loading areas and fire lanes. Circulation patterns shall insure prevention of obstruction to vehicles entering and leaving the site.
- G. Architectural and engineering sketches showing plan levels, elevations and any other necessary information related to water run off control, slope, contours, type of building construction, etc.
- H. Areas to be utilized for the exterior storage and materials and type of screen.

(Ord. 240, 6/24/1992, §1007; as amended by Ord. 286, 2/12/2001, §9)

PART 11**AP -AGRICULTURAL PRESERVATION DISTRICT****§27-1101. AP -Agricultural Preservation District.**

1. The AP-Agricultural Preservation District is designed to protect and promote agriculture as a major component of the economy of the Township and of Berks County. The district is designed to achieve compliance with §604(3) of the Municipalities Planning Code which directs that zoning ordinances contain provisions designed to “preserve prime agriculture and farmland considering topography, soil type and classification and present use”. The zoning district is intended to preserve for agricultural use the best farmlands of the township as well as existing associated buildings, structures, etc.
2. The Township Comprehensive Plan recognizes the unique quality of the farmland of Oley Township and establishes the preservation of that high quality farmland as a major goal of the plan.
3. In planning for agricultural land, it is the Township’s policy not to consider agricultural and as “undeveloped farmland awaiting another use”. Farmland must be considered as “developed land”. It is being used to produce a product. Farming is a land intensive manufacturing process which converts raw materials into a product, comparable to other industrial operations, with occasional accompanying nuisances of noise odor and dust. The agricultural zone should not be considered as a holding zone but as a zone having a positive purpose of utilizing the Township’s natural resources for the benefit of the entire community and the Township should protect the agricultural zone from interference by incompatible uses which break down the integrity of the zone and also interfere with normal and customary operations within the zone. In the AP-Agricultural Preservation District, the following shall apply subject to the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §1100)

§27-1102. Use Regulations.

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Agricultural, horticultural and forestry uses including, but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, sod production, etc.
- B. Nonresidential structures customarily accessory to uses on the property which are permitted in (A) above subject to the requirements of §27-1406 of this Chapter.

- C. Roadside stands, pursuant to §27-1418.
- D. Processing of farm products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown. So long as the basic purpose and design of such use is intended for the processing of products raised or grown on the premises, however, the processing of such products from other local area farms shall also be permitted.
- E. New single-family dwellings including those to be located on a farm and conversion of pre-existing single-family dwellings to two-family dwellings subject to the regulations set forth in §27-1103 of this Chapter.
- F. Woodland or game preserve, wildlife sanctuary or other conservation purpose.
- G. Any accessory use customarily carried on in conjunction with farming and rural life, or incidental to any dwelling or other main use permitted above, such as:
 - (1) Home occupation as defined in this Chapter.
 - (2) Erection or alteration of the usual farm buildings.
 - (3) Rooms, not more than three in number, for roomers or tourists.
 - (4) Bed and breakfast.
- H. Small business services and craft industries including, but not limited to welding shop, butcher shop, woodworking, furniture restoration and saddle harness sale and repair. Uses permitted under this paragraph must be uses which do not tend to create dust or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. The operation and leasing of self-service storage facilities or garages shall not be permitted. These uses shall be subject to the following conditions:
 - (1) There shall be a maximum of three employees in addition to the proprietor.
 - (2) The use or activity must be conducted in a building existing on January 1, 1992.
 - (3) The owner must protect adjacent properties from noise, dust or other potentially detrimental effects of the commercial activity or use.

(Ord. 343, 01/28/2010, §3)

- I. Other uses including, but not limited to, motor vehicle repair facility and machinery repair facility will be permitted as a special exception by the Zoning Hearing Board provided that in addition to the above requirements the applicant establishes that:
- (1) That the premises will be kept neat and orderly and there will be no outdoor storage of the following:
 - (a) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered, or parts thereof.
 - (b) Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code, or parts thereof.
 - (c) Motor vehicle parts or accessories.
 - (d) Junk as defined in this Chapter.
 - (2) That the use will not involve noise audible to neighboring residents between 6 p.m. and 7 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period of 7 a.m. to 6 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation and other action by the applicant, the application shall not be approved.
- J. Communications antenna, subject to the provisions of §27-1407. *[Ord. 280]*
- K. **No-Impact Home-Based Business.** *[Ord. 306]*
- L. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord 311]*

(Ord. 240, 6/24/1992, §1102; as amended by Ord. 280, 1/11/1999, §4; by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1)

§27-1103. Density, Area and Bulk Regulations.

1. Minimum lot area, width, yard and height regulations as follows shall apply:
 - A. **Minimum Lot Area.**
 - (1) Farm - 75 acres.
 - (2) Single-family dwelling or two-family dwelling (pre-existing or conversion from a pre-existing single family dwelling) - 40,000 square feet.
 - (3) Other uses - 40,000 square feet.
 - B. **Minimum Lot Width.**
 - (1) Single-family dwelling - 150 feet.
 - (2) Two-family dwelling (pre-existing or conversion from a pre-existing single family dwelling) - 170 feet.
 - (3) Other uses - 150 feet.
 - C. **Front Yard.**

Fifty feet from street right-of-way line.
 - D. **Side and Rear Yards.**

Twenty five feet.
 - E. **Height.**

No limitation for agricultural buildings or structures 35 feet for nonagricultural buildings or structures.
2. **Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:
 - A. **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].
 - B. **Side.** Twenty-five feet.
 - C. **Rear.** Fifty feet.

[Ord. 286]

(Ord. 240, 6/24/1992, §1102; as amended by Ord. 286, 2/12/2001, §10)

§27-1104. Requirements for Subdivision of a Tract.

1. Subdivision of land shall be permitted only:
 - A. When necessary to permit the location of a lot for a dwelling unit pursuant to §27-1105 of this Chapter.
 - B. To permit a tract to be divided into or among two or more “farms” which will, after transfer, each contain at least 75 acres.
 - C. To permit a tract of land leased as of January 1, 1992 to be subdivided from the remaining tract not leased as of that date and conveyed to the lessee.
 - D. To annex a parcel of land from one adjacent tract to another; provided, that the combined lot following annexation does not exceed 66,000 square feet or that the combined lot following annexation is larger than the transferor tract prior to the transfer. The provisions of this Section shall not apply to the land being annexed to a lot used by an existing church, so long as the parcel being annexed does not exceed 2 acres. *[Ord. 286]*
2. Any new division line being created between two “farms” or “tracts” shall be agriculturally reasonable and will not be so as to render the agricultural use of the tracts less efficient, i.e., under normal circumstances fields and contour strips will not be split.
3. The land transferred to a farm or tract pursuant to this section shall not subsequently be separated from such farm or tract.
4. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling rights his tract may have.
5. All plans submitted to subdivide land in the Agricultural Preservation District shall contain the following language in conspicuous form.

Agricultural Nuisance Disclaimer - All lands within the Agricultural Preservation District are located within an area where land is used for commercial agricultural production. Owners, residents and other uses of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept these conditions (such inconveniences, discomfort and possibility of injury from normal agricultural

operations), and are hereby put on official notice that §4 of the Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.

(Ord. 240, 6/24/1992, §1103; as amended by Ord. 255, 5/9/1994, §11; and by Ord. 286, 2/12/2001, §11)

§27-1105. Requirements Regarding Residential Uses.

1. The maximum number of dwelling units permitted on any tract shall be based upon the size of such tract. On each such tract there shall be permitted the following number of dwelling units including those to be placed on a farm in addition to those dwelling units located on the tract or parcel on the date of the enactment of this Chapter amendment:

Gross Area of Tract of Land in Single and Separate Ownership as of January 1, 1992	Number of Additional Dwelling Units Permitted.
Less than 7 acres	1
From 7 acres up to but not including 30 acres	2
From 30 acres up to but not including 80 acres	3
From 80 acres up to but not including 130 acres	4
From 130 acres up to but not including 180 acres	5
From 180 acres up to but not including 230 acres	6
From 230 acres up to but not including 280 acres	7

Any larger tract shall be governed by the same progression of one lot for each additional 50 acres.

The above allotment does not change with land ownership and all subsequent owners of a tract are bound by the acts of previous owners.

[Ord. 286]

2. New single-family dwelling units shall be located on lots in land capability classification units 3e through 7s, as specified by the Soil Survey of Berks County, Pennsylvania, of August 2003, or on lots on lands which cannot feasibly be farmed:
 - A. Due to existing features of the site such as rock outcroppings, swamp, the fact that the area is heavily wooded or the fact that the slope of the area exceeds 15%.

- B. Due to the fact that the size of shape of the area suitable for farming is insufficient to permit efficient use of far machinery.

(For purposes of the application of this Section, the land to be considered as part of the original tract.) Where such location is not feasible, permits shall be issued to enable dwelling units to be located on lots containing higher quality soils. In all case lots shall be permitted to front on an existing public road if desired by the property owner and shall be so as to permit the location of dwelling under DEP regulations. However, in all cases such residential lot shall be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production. *[Ord. 311]*

(Ord. 332, 06/19/2008, §2)

3. A lot on which a new dwelling is to be located shall not contain more than 66,000 square feet, unless it is determined from the subdivision plan submitted by the property owner that:
- A. The property owner has sufficient land unsuitable for agricultural use to justify using more than 66,000 square feet for the location of the proposed dwelling unit; (the effect of the larger lot size will not be such as to preclude the owner from locating all of the dwellings permitted on his tract by subsection (1) of this Section on land unsuitable for agricultural use).
- B. The physical characteristics of the land require using more than 66,000 square feet in order to locate the proposed dwelling unit, the sewage disposal system, the well and the driveway.
- C. The requirements of the Pennsylvania Department of Environmental Protection require a lot of size in excess of 66,000 square feet. *[Ord. 311]*

[Ord. 255]

4. Existing buildings may be separated from the original parcel only after it is determined that such buildings have no functional utility in connection with the agricultural use of the original tract, i.e., farm has been purchased by neighboring farmer who has a full set of buildings and has no need for these or for the house if it only is proposed to be sold. If an existing farmhouse of the entire set of farm buildings is being separated from the original tract, the lot size shall be sufficient to include all of the buildings being sold and may include adjacent land unsuitable for agricultural use as defined in subsection (5) of this Section provided the inclusion of such additional land of low quality for agricultural use does not impair the owner of the property from locating all of his quota of dwelling lots as permitted by subsection (1) of this Section on land unsuitable for agricultural use.

5. Lots shall be considered unsuitable for agricultural use if:
- A. All of the land in the lots in land capability classification units 4e through 4s, as specified by the Soil Survey of Berks County, Pennsylvania, of August 2003; and
 - B. The land cannot feasibly be farmed:
 - (1) Due to existing features of the site such as rock outcroppings, swamps, the fact that the area is heavily wooded or the fact that the slope of the area exceeds 15%.
 - (2) Due to the fact that the size or shape of the areas suitable for farming is insufficient to permit efficient use of farm machinery. (For purposes of the application of this Section, the land to be contained in the lot shall be considered as part of the original tract.)
 - C. The applicant shall have the burden of proving that the land he seeks to subdivide meets the criteria set forth in this Section.
 - D. Lots for the location of single-family dwelling units in addition to those authorized by subsection (1) may be permitted provided that all the dwelling units permitted by subsection (1) and constructed after January 15, 1992, and all the additional new dwelling units are located on land unsuitable for agricultural use within the meaning of subparagraph (5) of this Section. The number of dwelling lots permitted by this Section shall not be such as to permit there to be on any tract of land more than twice the number of dwelling units permitted on that tract by subsection (1) of this Section.
 - E. Any landowner who disagrees with the classification of his farm or any part of it by the Soil Survey of Berks County, Pennsylvania, of August 2003, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified; and if the Board of Supervisors finds his study correct, it shall act in accordance with the results of such study.
 - F. Dwelling units located on a tract on the date of the enactment of this Chapter amendment shall be those units occupied as dwelling units on that date and those units which were occupied as dwelling units within the 1 year immediately preceding the enactment of this Chapter amendment. The division of a dwelling unit into two dwelling units shall be considered the addition of a dwelling unit.

(Ord. 240, 6/24/1992, §1104; amended by Ord. 255, 5/9/1994, §12; by Ord. 286, 2/12/2001, §12; and by Ord. 311, 6/14/2004, §1; and by Ord. 332, 06/19/2008, §§3 and 4)

§27-1106. Requirements Respective to Nonagricultural Uses Other Than Residential Uses.

1. No tract may be subdivided to create a separate lot for such use.
2. Such uses must be located on the lowest quality agricultural feasible soil so as to minimize the loss of farmland and so as to minimize interference with agricultural production.
3. Prior to issuing a permit to allow such use the Zoning Officer must certify that the requirements of subsection (2) hereof have been complied with.

(Ord. 240, 6/24/1992, §1105)

PART 12**HV - HISTORIC VILLAGE DISTRICT****§27-1201. Historic Village District.**

1. The Historic Village District recognizes the historic character of the Village of Spangsville, and permits the continuation of existing uses in addition to compatible residential and commercial uses.
2. In the Historic Village District the following shall apply, subject also to the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §1200; as amended by Ord. 255, 5/9/1994, §13)

§27-1202. Use Regulations.

A principal building or group of principal buildings maybe erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling, single-family semidetached dwelling or two-family detached dwelling.
- B. Accessory building or use on the same lot with and customarily incidental to any of the foregoing permitted uses including, but not limited to:
 - (1) Home occupations pursuant to §27-1415 of this Chapter.
 - (2) Bed and breakfast inn pursuant to §27-1416 of this Chapter.
 - (3) Signs pursuant to §27-1502 of this Chapter.
- C. **No-Impact Home-Based Business.** *[Ord. 306]*
- D. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord 311]*

(Ord. 240, 6/24/1992, §1201; as amended by Ord. 255, 5/9/1994, §13; by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1)

§27-1203. Area, Height and Special Regulations.

Every principal building, group of principal buildings on a lot or use shall comply with the following area, height and special regulations, unless otherwise provided for in this Chapter:

A. Lot Area and Width.

- (1) Minimum Lot Area - 66,000 square feet.
- (2) Minimum Lot Width - 150 feet.

B. Area of lot that may be occupied by buildings - 15% maximum.**C. Maximum area which may be paved - 5%.****D. Yards.**

- (1) Front Yard - Minimum of 50 feet.
- (2) Side Yards - 25 feet each side minimum.
- (3) Rear Yard - 50 feet minimum.

E. Height. Maximum of 35 feet.**F. Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:

- (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].
- (2) **Side and Rear.** Twenty-five feet.

[Ord. 286]

G. Exceptions to Yard Requirements.

- (1) **Front Yard Exceptions.** When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the date of the adoption of this Chapter. For the purpose of this Section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

- (2) **Accessory Building Setback Exceptions.** On any lot on which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that principal building.
- (3) **Side Yard Exceptions.** In the case of a lot on which a principal residential building existed at the effective date of this Chapter, and said building does not comply with the side yard requirements of this Chapter, that building may be expanded or constructed into the violated side yard provided that such expansion or construction will not be situated closer to the side property line than the existing principal residential building on the lot and will not result in any violation of any Township Building Code and written permission is secured from the property owner abutting the violated side yard.

[Ord. 286]

(Ord. 240, 6/24/1992, §1202; as amended by Ord. 255, 5/9/1994, §13; and by Ord. 286, 2/12/2001, §13)

PART 13**RUV - RURAL VILLAGE DISTRICT****§27-1301. Rural Village District.**

1. The Rural Village District recognizes the existing development which has occurred in the Village of Yellow House and permits the continuation of such mixing of residential, commercial and public uses.
2. In the Rural Village District, the following shall apply, subject also the applicable general requirements of this Chapter.

(Ord. 240, 6/24/1992, §1300; as amended by Ord. 255, 5/9/1994, §13)

§27-1302. Use Regulations.

A principal building or group or principal buildings may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling, single-family semidetached dwelling or two-family detached dwelling.
- B. Retail store, not including a group of retail stores.
- C. Restaurant, not including drive-in restaurant or fast food restaurant.
- D. Office of studio not to exceed 500 square feet net office space, and five employees maximum.
- E. Personal service shop, such as barber shop or beauty shop, limited to one barber or operator, subject to suitable sewage disposal for dyes and other wastes.
- F. Custom or repair shop for the repair or servicing of clothing or household articles or for making articles to be sold at retail on the premises, such as shoe repair shop, radio or television repair shop, jewelry shop, tailor or dressmaking shop, baking confectionery shop. Permitted uses are limited to three employees on location at any one time in addition to the proprietor and shall not create dust, odor or audible noise outside the building in which the use is being conducted.
- G. Conversion of single-family detached dwelling to apartments, subject to:

- (1) Each dwelling unit shall have at least 600 square feet of floor area for a one bedroom unit, and not less than an additional 200 square feet for each additional bedroom.
- (2) Adequate potable water and sewage facilities for all units shall be provided.
- (3) Two off-street parking spaces shall be provided for each unit and other parking requirements of §27-1409 shall be met.

H. Apartment buildings, subject to:

- (1) The lot shall contain at least 11,000 square feet per dwelling unit.
- (2) No apartment building shall be closer than 40 feet to any other building on the lot.
- (3) A minimum of 15% of the lot shall be permanently devoted to common open space purposes.
- (4) Minimum front, rear and side yards shall be 25 feet.
- (5) Adequate potable water and sewage facilities shall be provided for all units.
- (6) Two off-street parking spaces shall be provided for each unit and other parking requirements of §27-1409 shall be met.

I. Accessory building or use on the same lot with and customarily incidental to any of the foregoing permitted uses including, but not limited to:

- (1) Home occupations pursuant to §27-1415 of this Chapter.
- (2) Bed and breakfast inn pursuant to §27-1416 of this Chapter.
- (3) Signs pursuant to §27-1503 of this Chapter.

J. Any of the following uses when authorized by the Zoning Hearing Board as a special exception, subject to the general standards prescribed in §27-1707(2).

- (1) Meeting hall or community center.
- (2) Motor vehicles service station (not including vehicle sales lot or automatic car/truck wash) provided that all facilities are located and all services are conducted within the confines of the lot.
- (3) Day care center or nursery school.

- (4) Churches and related religious uses.
- (5) Governmental or public utility use other than a use permitted in this district above, provided that the Board shall determine that the placement of such use in the proposed location is a public necessity.
- (6) Park, playground or similar noncommercial recreational area owned and operated by a public or private nonprofit agency.

K. **No-Impact Home-Based Business.** *[Ord. 306]*

L. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord. 311]*

(Ord. 240, 6/24/1992, §1301; as amended by Ord. 255, 5/9/1994, §13; by Ord. 306, 8/11/2003, §2; and by Ord. 311, 6/14/2004, §1)

§27-1303. Area, Height and Special Regulations.

Every principal building, group of principal buildings on a lot or use shall comply with the following area, height and special regulations, unless otherwise provided for in this Chapter:

A. **Lot Area and Width.**

- (1) Minimum Lot Area - 40,000 square feet.
- (2) Minimum Lot Width - 100 feet.

B. **Lot Coverage.** 50% maximum.

C. **Yards.**

- (1) **Front Yard.** Minimum of 25 feet, provided that if parking is provided for in the front yard, the minimum shall be 50 feet subject to the provisions of §27-1413.
- (2) **Side Yards.** 10 feet each side minimum.
- (3) **Rear Yard.** 25 feet minimum.

D. **Height.** Maximum of 35 feet

E. **Exceptions to Yard Requirements.**

- (1) **Front Yard Exceptions.** When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in questions are improved as of the time of the adoption of this Chapter. For the purpose of this Section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.
 - (2) **Accessory Building Setback Exceptions.** On any lot on which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that principal building.
 - (3) **Side Yard Exceptions.** In the case of a lot on which a principal residential building existed at the effective date of this Chapter, and said building does not comply with the side yard requirements of this Chapter, that building may be expanded or constructed into the violated side yard provided that such expansion or construction will not be situated closer to the side property line than the existing principal residential building on the lot and will not result in any violation of any Township Building Code and written permission is secured from the property owner abutting the violated side yard.
- F. **Parking Area Setbacks.** Parking areas shall be set back from property lines according to the following:
- (1) **Front.** No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance [Chapter 22].
 - (2) **Side and Rear.** Ten feet.

[Ord. 286]

(Ord. 240, 6/24/1992, §1302; as amended by Ord. 255, 5/9/1994, §13; and by Ord. 286, 2/12/2002, §14)

PART 13A**LIB - LIGHT INDUSTRIAL AND BUSINESS DISTRICT****§27-1301A. Declaration of Legislative Intent.**

It is the intent of this Part to provide regulation to permit light industrial and business development in appropriate areas in accordance with the following objectives:

- A. Provide for orderly and well planned development of employment-oriented manufacturing, research, development, laboratory and office uses.
- B. Provide a variety of non-polluting industrial uses in both planned centers and on individual lots.
- C. Permit service-oriented business uses which meet local and regional needs and market demands.

(Ord. 240, 6/24/1992; as added by Ord. 283, 3/13/2000, §4)

§27-1302A. Permitted Uses.

All uses and storage associated with permitted uses must be contained within a building (except crop farming). Only one principal use is permitted on a lot. All uses must conform to the performance standards in §27-1004. No retail sales are permitted. The following uses are permitted in this District:

- A. Manufacturing and wholesale business.
- B. Scientific or industrial research or engineering facilities.
- C. Printing, publishing, lithography and similar processes.
- D. Offices, corporate headquarters and administrative buildings.
- E. Training or product development facilities.
- F. Crop farming, excluding mushroom growing, including related buildings, in compliance with this Chapter.
- G. Accessory uses and buildings incidental to the permitted principal uses.
- H. **Forestry.** Permitted use by right in all zoning districts in every municipality. *[Ord 311]*

(Ord. 240, 6/24/1992; as added by Ord. 283, 3/13/2000, §4; as amended by Ord. 311, 6/14/2004, §1)

§27-1303A. Area and Height Regulations.

1. **Lot Area and Size.** (All of the following must be met).

- A. Minimum lot area 3 acres
- B. Minimum lot width 250 feet
- C. Lot coverage 70%
- D. Building coverage 35% of net lot area may be covered by buildings
- E. Front yard 80 feet
- F. Rear yard 50 feet
- G. Side yards 35 feet each yard, 100 feet combined
- H. Building height 35 feet
- I. Maximum building size (outside dimensions) 50,000 sq. feet for processing or mfg. building
2,000 sq. ft. office building
- J. Building separation 50 feet between Buildings

(Ord. 240, 6/24/1992; as added by Ord. 283, 3/13/2000, §4)

PART 13B**AGE QUALIFIED RESIDENTIAL COMMUNITY DISTRICT****§27-1301B. Permitted Uses.**

- A. Age Qualified Residential Community.
- B. Uses accessory to the Age Qualified Residential Community and specifically restricted to serve only residents of the Age Qualified Residential Community and their invited guests, which shall include, but not be limited to, the following:
 - (1) Community center, including activity rooms, craft rooms, lockers and shower room, library, physical therapy and fitness center, lounges and similar facilities for members of the Age Qualified Residential Community and invited guests.
 - (2) Recreation facilities, such as swimming pool and tennis court.
- C. Single-Family Detached Dwelling.
- D. Agricultural Use. Any farm building used for the keeping or raising of livestock or poultry, or for mushroom cultures, shall be located not less than fifty (50) feet from any street or other property line.
- E. Woodland or game preserve, wildlife sanctuary or other conservation purpose.
- F. Forestry.
- G. No-impact, home-based business.
- H. Any accessory use customarily carried on in conjunction with farming, or incidental to any dwelling or other stated use permitted above.
- I. Community water and sewer plants and treatment facilities as accessory uses to all permitted uses.

§27-1302B. Development Regulations.

- A. Age Qualified Residential Community.
 - (1) Tract and Density Regulations.
 - (a) Minimum gross tract area shall be one hundred fifty (150) acres of land in single and separate ownership at the time of subdivision or

land development approval.

- (b) The maximum density shall be no more than four (4) units per acre of the lot area available for development before deduction of roads or open spaces.
- (c) Not less than sixty percent (60%) of the lot area forming a part of the gross tract at the time of subdivision or land development approval shall be retained as permanent open space or deeded to the Township or other non-profit entity approved by the Township.

(2) Area and Height Regulations.

- (a) The minimum lot size shall be six thousand (6,000) square feet.
- (b) The minimum lot width shall be fifty (50) feet.
- (c) The minimum building setback from interior streets shall be fifteen (15) feet from the right-of-way line.
- (d) The minimum side yard setback for principle buildings shall be seven and one-half (7½) feet, aggregate of fifteen (15) feet, exclusive of decks, window wells, steps and the like.
- (e) The minimum side yard or rear yard setback for accessory structures shall be five (5) feet.
- (f) The minimum rear yard setback shall be twenty (20) feet, exclusive of decks, window wells, steps and the like.
- (g) The maximum lot coverage shall be sixty percent (60%) of the area available for development.
- (h) The maximum building coverage of all dwelling units shall not exceed thirty percent (30%) of the area available for development.
- (i) The maximum building height shall be thirty-five (35) feet.

(3) General Requirements.

- (a) Sewer. All dwellings and other buildings within an Age Qualified Residential Community shall be served by a public sewer collection and treatment system. If capacity within a public sewer is not immediately available to serve the Community, the developer shall be allowed, subject to the approval by the PaDEP, to construct and operate a community sewer system within the portion of the tract otherwise set aside as open space, or elsewhere.

- (b) Water. All dwellings and other buildings within an Age Qualified Residential Community shall be served by a public water system. If a public water system is not immediately available to serve an Age Qualified Residential Community, the developer shall, subject to the provisions of Oley Township Ordinance No. 321, be allowed to use a community water system.
 - (c) Parking. There shall be a minimum of two (2) off-street parking spaces per dwelling unit, which shall include one (1) space within a garage, either attached or detached, and one (1) located upon the driveway accessing the garage. For each ten (10) age qualified dwelling units, there shall be provided one (1) parking space adjacent to any community center building, and parking shall be provided adjacent to any recreational areas as appropriate for the type of facility.
 - (d) Criteria for Streets.
 - (1) The area available for development shall have direct access (frontage) on a collector or an arterial road, but no individual driveway may enter directly onto a collector or an arterial road.
 - (2) The developer shall not be required to provide any improvements to existing public streets, except along the frontage of the area available for development.
 - (3) Right-of-way and cartway width for new interior streets shall not exceed fifty (50) feet (as to rights-of-way) and thirty-two (32) feet (as to cartway), with parking allowed along one (1) side.
 - (4) New interior streets may intersect in curves, provided that minimum required clear sight triangles are provided.
 - (5) Belgium block curbs shall be provided on both sides of all proposed streets.
 - (6) Sidewalk with a width of four (4) feet shall be provided along one (1) side of all proposed streets.
 - (e) All proposed streets within a development shall be offered to and may, at its sole discretion, be accepted for dedication by Oley Township.
- (4) Miscellaneous Provisions.
- (a) All drainage and utility easements shall be twenty (20) feet in width, shall be offered for dedication to Oley Township, and shall be included in the calculation of minimum lot area.

- (b) Except for the requirements of Section (4)(i), there shall be no mandatory requirement for the developer to improve the open space by providing recreational facilities or activities, or for landscaping, except that the developer may, at its sole discretion, place excess soil from the development on the open space land, provided that the same is graded and seeded.
- (c) Steep slope and woodland preservation restrictions shall not be applicable to the AQRC District.
- (d) Stormwater drainage and control facilities shall be designed to control the anticipated peak discharge from the property being developed and the existing conditions of any upstream property.
- (e) Landscape berms and vegetative screening shall be provided along the external road, between the road right-of-way and the rear of any residential lots. All landscaping shall be placed within a buffer yard of fifty (50) feet or more, measured from the right-of-way. Plantings may be placed in required open space.
- (f) Street trees shall be provided along proposed streets at a minimum rate of one (1) tree per every two (2) lots, not to exceed one hundred fifty (150) feet separation.
- (g) Ownership of open space not dedicated to the Township or other non-profit agency shall be in accordance with the Pennsylvania Planned Residential Community Act.
- (h) Lighting facilities shall be provided as needed, and arranged in a manner which shall protect the highway and neighboring properties and streets from unreasonable direct glare and hazardous interferences of any kind. Lighting facilities shall be required where deemed necessary for the safety and convenience of the residents of the Community.
- (i) Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development, and shall be of such size and shape as to be conducive to active and passive recreation.
- (j) Any proposed Homeowners' Association Agreement created for the community shall be provided to the Township for review and comment, and a copy of the final document shall be filed with the Township.

B. All Other Designated Uses.

- (1) Minimum Lot Area – Two (2) acres.
- (2) Minimum Lot Width – Two hundred (200) feet.
- (3) Lot Coverage.
 - (a) Maximum area of a lot which may be occupied by buildings or structures – Ten percent (10%).
 - (b) Maximum area of a lot which may be paved – Five percent (5%).
- (4) Front Yard – Minimum of fifty (50) feet, subject to the provisions of Section 27-1413.
- (5) Side Yards – Minimum of fifty (50) feet each.
- (6) Rear Yard – Minimum of fifty (50) feet.
- (7) Height.
 - (a) Agricultural buildings and agricultural structures – No maximum.
 - (b) All other buildings and structures – Maximum of thirty-five (35) feet.
- (8) Parking Area Setbacks - Parking areas shall be set back from property lines according to the following:
 - (a) Front – No closer than the ultimate right-of-way as specified in the Subdivision and Land Development Ordinance (Chapter 22).
 - (b) Side and Rear – Thirty (30) feet.

§27-1303B. Occupancy Restrictions For An Age Qualified Residential Community.

- A. No more than four (4) persons shall occupy a dwelling on a permanent basis, at least one (1) of whom shall be fifty-five (55) years of age or older. No persons under the age of eighteen (18) years shall occupy a dwelling, except during summer months or during holidays.
- B. Occupants, if unrelated by blood or marriage, shall be fifty-five (55) years of age or older.
- C. An underage resident who shall survive the death of an age qualified spouse shall be permitted to continue to occupy the dwelling; provided that the continued occupancy

does not violate the Federal Fair Housing Act.

- D. On or before December 31st of each year, the Homeowners' Association, or any other entity responsible for the operation and management of the Age Qualified Residential Community, shall supply the Township with the names, addresses and birth dates of all residents in the Community.

§27-1304B. Declaration of Age Restriction For An Age Qualified Residential Community.

At the time of subdivision and land development, as a prerequisite to the recording of any approved Final Plan for an Age Qualified Residential Community, the developer shall record a Declaration against the entire tract, in a form reasonably acceptable to the Township, binding all properties and owners to the restriction which shall require that at least one (1) of the permanent residents of an individual dwelling unit within the AQRC District to be age fifty-five (55) or older, and which shall require that any residents of an individual dwelling unit within the AQRC District under the age of eighteen (18) years old shall not reside in that dwelling unit except during summer months or during holidays.

(Ord. 323, 02/08/2006, §6)

PART 14

GENERAL REGULATIONS

§27-1401. Nonconforming Uses, Structures and Buildings.1. **Statement of Intent.**

- A. Within the zoning districts established by this Chapter or subsequent amendment thereto, there exists or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto.
- B. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction has been diligently carried on.

2. **Nonconforming Uses of Land.** Lawful uses of land, which at the effective date of this Chapter, or as a result of subsequent amendments thereto, become nonconforming, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

- A. **Extension.** No such nonconforming use shall be enlarged or increased nor extended to occupy land other than was owned or leased by the user for the nonconforming use at the date such use became nonconforming.
- B. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of 12 consecutive months, such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Chapter.
- C. **Changes or Moving of Use.** A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.
- D. **Additional Structures or Buildings.** No additional structures or buildings not conforming to the dimensional requirements of this Chapter shall be erected in connection with such nonconforming use of land.

3. **Nonconforming Structures or Buildings.** Structures or buildings which at the effect date of this Chapter or subsequent amendments thereto become nonconforming by reason or restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

A. **Enlargement.**

- (1) Except as hereinafter provided in subsection (2) below, a lawful existing structure or building which does not conform with the yard or height regulations of the district in which it is located may not be extended if the proposed addition will not meet the yard and height regulations of the district. The building or structure may be extended if the proposed addition itself meets the yard and height requirements of the zoning district and meets all other applicable regulations set forth in this Chapter. *[Ord. 286]*
- (2) A lawfully existing single-family detached dwelling which does not conform with the front yard regulations of the district in which it is located may be extended, provided that the extension will not extend farther into the front yard than the existing nonconforming building, and will not be closer to the side property line than the required side yard distance, or the front yard distance if the extension is toward the side street of a corner lot. The width of the extension, as measured parallel to the street line, may not exceed that of the existing nonconforming building.
- (3) Except as provided in (2) above, no nonconforming structure or building may be enlarged or altered in a way which increases its nonconformity, but any structure or building or portion thereof may be altered to decrease its nonconformity.

- B. **Damage or Destruction.** A nonconforming structure or building which is destroyed or partially destroyed by fire, explosion or by any means to the extent not covered by §27-1401(5) below, to an extent rendering it physically unsafe, as declared by the Building Inspector, shall not be repaired or restored to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Chapter, provided however, if reconstruction in such a case begins within 12 months after destruction or partial destruction occurs, the same nonconforming structure or a structure less nonconforming may be reconstructed.

- C. **Demolition.** A nonconforming structure or building which is demolished or removed by the owner, shall not be rebuilt or reconstructed to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Chapter provided, however, if reconstruction in such a case begins within 12 months after the demolition or removal of

building or structure, the same nonconforming structure or a less nonconforming structure housing the same use as the original structure prior to demolition or removal, may be reconstructed.

- D. **Moving of Structure or Building.** No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
 - E. **Discontinuance.** Whenever a nonconforming structure or building has been vacated for a period of 18 consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Chapter.
4. **Nonconforming Uses of Structures or Buildings.** Lawful uses of structures or buildings which at the effective date of this Chapter or as a result of subsequent amendments thereto become nonconforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:
- A. **Extension.** A nonconforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed, provided that any structural alterations, extensions or additions shall comply with all provisions of this Chapter with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a nonconforming use shall not exceed 50% of the gross floor area occupied by said nonconforming use at the time such nonconforming use became nonconforming.
 - B. **Change of Use.** A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.
 - C. **Discontinuance.** Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for 12 consecutive months, such structure or building or portion thereof shall not thereafter be used for a nonconforming use. *[Ord. 286]*
 - D. **Destruction.** Removal or destruction of the structure or building in which a nonconforming use is located shall eliminate the permitted nonconforming use of the structure or building. Destruction for the purpose of this subsection is defined as damage to an extent rendering the structure physically unsafe as declared by the Building Inspector. However, if construction begins within 12 months after destruction or partial destruction occurs, the same nonconforming use may be carried on.

5. **Unsafe or Unlawful Structures or Buildings.** If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the zoning district in which it is located.
6. **Uses Under Special Exception Provisions Are Not Non-Conforming Uses.** Any use which is permitted as a special exception in a zoning district under the terms of this Chapter (other than a change by special exception from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such Zoning District, but shall without further action be considered a permitted use.

(Ord. 240, 6/24/1992, §1400; as amended by Ord. 286, 2/12/2001, §§15, 16)

§27-1402. Nonconforming Lots of Record.

1. In any district structures and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.
2. If two or more lots, combination of lots and portion of lots which are adjoining and in single ownership are of record at the time of passage or amendment of this Chapter and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter. This Section shall not apply to any lots within approved subdivision or land development plan, whether preliminary or final, within 5 years from such approval.

(Ord. 240, 6/24/1992, §1401)

§27-1403. Reduction of Lot.

No lot shall be so reduced so that the area of the lot or the dimension of the open spaces shall be smaller than herein prescribed, except as may be required in connection with the widening of a public right-of-way.

(Ord. 240, 6/24/1992, §1402)

§27-1404. Utility Exemption.

This Chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

(Ord. 240, 6/24/1992, §1403)

§27-1405. Access.**1. General Requirements.**

- A. Except as provided in subsection (2), no lot shall hereafter be created unless it fronts on (abuts) a public street and at least a portion of the public street frontage is usable for purposes of ingress and egress. Access to lots hereafter created shall be through said frontage on a public street.
- B. Where access to a tract of land zoned Industrial (I) is available from more than one street and access from at least one street would be from land zoned Industrial, all points of ingress and egress to and from the land zoned Industrial shall be from the streets which will be reached by passage over land zoned Industrial.

2. Special Access Requirements for AP -Agricultural Preservation District.

- A. Except as provided in subsection (B), no lot shall hereafter be created in the AP District unless it is a flag lot as permitted by subsection (B) or unless it fronts on (abuts) a public street or a private street which meets the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22] and is approved by the Board of Supervisors. At least a portion of said street frontage must be usable for purposes of ingress and egress. Access to lots hereafter created shall be through said street frontage. Density, area and bulk regulations and other standards of the AP District shall apply to all lots created under this Section.

- B. Flag Lot Option.** A flag lot may be used to create access to lots hereafter created in the AP District; provided, that the following conditions are met:
- (1) Flag lots must have frontage equal to or less than 25 feet on (abutting) a public road and all access to the flag lot must be through the frontage. Rights-of-way or easements may not be used for access.
 - (2) Flag lot access points must be separated from one another by at least 150 feet at the public street, except that no more than two flag lot access points may be located adjacent to one another and considered one for purposes of this requirement.
 - (3) The computation of lot area for a flag lot may not include the access strip of the flag lot.
 - (4) The net area of the flag lot may not exceed 66,000 square feet, nor be less than 40,000 square feet.
 - (5) All other regulations of the AP District shall apply to any flag lot created under this Section.

(Ord. 240, 6/24/1992, §1404; as amended by Ord. 286, 2/12/2001, §17)

§27-1406. Yard Exception for Accessory Buildings and Structures.

1. **Accessory Buildings and Structures With an Area Greater Than 150 Sq. Ft.** An accessory building or structure, other than a farm building or farm structure, which is not an integral structural part of a principal building and is larger than 150 square feet maybe located in the required side and/or rear yard not less than 10 feet from any property line.
2. **Accessory Buildings and Structures With an Area Not Greater Than 150 Sq. Ft.** An accessory building or structure, other than a farm building or farm structure or private garage, which is not an integral structural part of a principal building and is not larger than 150 square feet may be located in the required side and/or rear yard not less than three feet from any property line.
3. **Accessory Buildings and Structures.** For the purpose of this Section accessory buildings and structures shall include, but not be limited to:
 - A. Detached garages.
 - B. Greenhouses.
 - C. Storage sheds.

- D. Private swimming pools, including in-ground, above-ground and on-ground swimming pools, hot tubs, and spas and their associated decks, patios, walkways and equipment shelters.

4. **Fuel Pump Islands and Canopies.**

- A. Where permitted as an accessory use, a maximum of six gasoline dispensing nozzles and one other dual purpose pump may be located on the premises; provided, that no portion of a fuel pump island is closer than 30 feet from the legal right-of-way or 20 feet from the ultimate right-of-way, whichever is further, and provided that the pump locations provide efficient and safe traffic circulation, as determined by the Township Engineer and all other requirements of the Township ordinances are met. In the case of locations that front on SR0662 or SR0073, fuel pump islands shall be no closer than 20 feet from the legal right-of-way of those highways or 35 feet from the center of the roadway, whichever is further.
- B. Any canopy roof covering a fuel pump island must be a minimum of 10 feet from the legal right-of-way of a street or the ultimate right-of-way, whichever is closer to the street, except that in the case of locations on SR0662 or SR0073, the canopy shall be no closer to the street than the legal right-of-way of those highways.
- C. See additional fuel pump island and canopy regulations under §27-1427.

(Ord. 240, 6/24/1992, §1405; as amended by Ord 286, 2/12/2001, §§18, 19)

§27-1407. Towers and Antennae.

1. **Applicability.**

- A. **New Communications Towers and Communications Antennas.** All new communications towers or communications antennas in Oley Township shall be subject to these regulations, except as provided in subsection (B) through (D) below, inclusive.
- B. **Amateur Radio Station Operators/Receive Only Antennas.** This Chapter shall not govern any tower or the installation of any antennas that is under 70 feet in height and is owned and operated by a Federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. **Pre-Existing Towers or Antennas.** Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Chapter, other than the requirements of subsections (2)(F) and (2)(G).

- D. **AM Array.** For purpose of implementing this Chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

2. **General Requirements.**

- A. **Principal or Accessory Use.** Communications antennas and communications towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a communications antenna or communications tower on such lot.
- B. **Lot Size.** For purposes of determining whether the installation of a communications antenna complies with District development regulations including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. **Inventory of Existing Sites.** Each applicant for a communications antenna and/or communications tower shall provide to the Code Enforcement Officer an inventory of existing communications towers, communications antennas or sites approved for towers or antennas, that are either within the jurisdiction of Oley Township or within 1 mile of the border thereof, including specific information about the location, height and design of each tower. The Code Enforcement Officer may share such information with other applicants applying for administrative approvals or special use permits under this Chapter or other organizations seeking to locate antennas within Oley Township; provided however, that the Code Enforcement Officer is not, by sharing such information, in any way, representing or warranting that such sites are available or suitable.
- D. **Aesthetics.** Communications towers and communications antennas shall meet the following requirements:
- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. **Lighting.** Communications towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbances to the surrounding views.
- F. **State or Federal Requirements.** All communications towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the State or Federal government with the authority to regulate the towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- G. **Building Codes; Safety Standards.** To ensure the structural integrity of communications towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Oley Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property the, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. **Measurement.** For purposes of measurement, communications tower setbacks and separation distances shall be calculated and applied to facilities located in Oley Township, irrespective of municipal and county jurisdictional boundaries.
- I. **Not Essential Services.** Communications towers and communications antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.

- J. **Franchises.** Owners and/or operators of communications towers or communications antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication and/or operation of a wireless communication system in Oley Township have been obtained and shall file a copy of all required franchises with the Code Enforcement Officer.
- K. **Public Notice.** For purposes of this Chapter any variance request shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection (2)(Q)(2)(a), Table 2, in addition to any notice otherwise required by this Chapter.
- L. **Signs.** No signs shall be allowed on a communications antenna or communications tower.
- M. **Buildings and Support Equipment.** Buildings and support equipment associated with communications antennas or communications towers shall comply with the requirements of subsection (4).
- N. **Multiple Antenna/Tower Plan.** Oley Township encourages the users of communications towers and communications antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- O. **Information Required.** In addition to any information required for applications pursuant to subsection (2) above, applicants for a communications tower shall submit the following information:
- (1) A scaled site plan clearly indicating the location type and height of the proposed communications tower, onsite land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities) and all properties within the applicable separation distances set forth in subsection (2)(Q)(1), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other structures, deemed by the Code Enforcement Officer to be necessary to assess compliance with this Chapter.
 - (2) Legal description of the parent tract and leased parcel (if applicable).
 - (3) The setback distance between the proposed communications tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.

- (4) The separation distance from other communications towers described in the inventory of existing sites submitted pursuant to subsection (2)(C) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (5) A landscape plan showing specific landscape materials.
- (6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with subsections (2)(C), (D), (E), (F), (G), (J), (L), (M), (P) and (Q) and all applicable Federal, State or local laws.
- (8) A notarized statement by the applicant as to whether construction of the communications tower will accommodate collocation of additional antennas for future users.
- (9) Identification of the entities providing the backhaul network for the communications tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- (10) Any applicant proposing communications antennas to be mounted on a building or other existing structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

P. **Setbacks.** The following setback requirements shall apply to all communications towers:

- (1) Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line.
- (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

Q. **Separation.** The following separation requirements shall apply to all communications towers and communications antennas:

- (1) Separation from offsite uses/designated areas.
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the offsite uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

- (b) Separation requirements for communications towers shall comply with the minimum standards established in Table 1, below.

Table 1

Offsite Use/Designated Area	Separation Distance
Single-family or duplex residential units*	200 feet or 300% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower**, whichever is greater
Vacant unplatted residentially zoned lands***	200 feet or 300% height of tower, whichever is greater
Existing multifamily residential units greater than duplex units	200 feet or 300% height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

* Includes modular homes and mobile homes used for living purposes.
 ** Separation measured from base of tower to closest building setback line.
 *** Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

(2) Separation Distances Between Communications Towers.

- (a) Separation distances between communications towers shall be applicable for and measured between the proposed communications tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed communications tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2
Existing Towers – Types

	Lattice	Guyed	Monopole 75 Ft. in Height or Greater	Monopole Less Than 75 Ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft. in Height	750	750	750	750

R. **Security Fencing.** Communications towers shall be enclosed by security fencing not less than 6 feet in height and shall also be equipped with an appropriate anticlimbing device.

S. **Landscaping.** The following requirements shall govern the landscaping surrounding communications towers for which a special exception is required:

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the communications tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the communications tower would be minimal, the landscaping requirement may be reduced or waived.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

- T. The applicant for a communications tower or antenna shall notify the Reading Regional Airport and the owner or operator of any other private or public airport within a 5 mile radius of the proposed tower or antenna of the proposed use. A copy of the notification(s) shall accompany the application for a building or zoning permit.

3. **Permitted Uses.**

- A. **General.** The uses listed in this subsection are deemed to be permitted uses and shall be approved by the Code Enforcement Officer subject to satisfaction of the standards set forth in this subsection.
- B. **Standards.** The following provisions shall govern the issuance of approvals for communications towers and communications antennas pursuant to this subsection.
- (1) The Code Enforcement Officer may administratively approve the uses listed in this subsection.
 - (2) Each applicant shall make application to the Code Enforcement Officer providing the information set forth in subsection (2)(0) of this Section and a nonrefundable fee as established by resolution of the Board of Supervisors of Oley Township to reimburse the Township for the costs of reviewing the application.
 - (3) The Code Enforcement Officer shall review the application and determine if the proposed use complies with subsection (2).
 - (4) The Code Enforcement Officer shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Code Enforcement Officer fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
 - (5) In order to encourage shared use, any zoning district setback requirements in subsection (2)(P) or separation distances between towers in subsection (2)(Q) may be reduced by up to 50% with regard to an application proposing a shared use so long as a Pennsylvania registered professional engineer certifies that the proposed reduction will not present any danger to adjoining properties or uses.
 - (6) In connection with any application, the Code Enforcement Officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

C. **Permitted Uses.** The following uses are specifically permitted:

- (1) New communications antennas or communications towers or alternative structures (including the placement of communications equipment building or other supporting equipment used in connection with said tower or antenna) located in any area of the Township with an elevation in excess of 800 feet above sea level, provided a licensed Professional Engineer certifies that the antenna or tower can structurally accommodate the number of shared users provided by the applicant, the Code Enforcement Officer concludes that the antenna or tower is in conformance with subsection (4) and the antenna or tower meets the following height and usage criteria:
 - (a) For a single user, up to 80 feet in height.
 - (b) For two users up to 100 feet in height.
 - (c) For three or more users, up to 120 feet in height.
- (2) Communications antennas in the AP (Agricultural Preservation) Zoning District located on structures or towers in existence on the date of the enactment of this Chapter, so long as they are consistent with the terms of subsections (a) and (b) below.
 - (a) Communications Antennas on Existing Structures. Any antenna which is not attached to a tower, bell steeple, silo, light pole or other similar structure may be approved by the Code Enforcement Officer as an accessory use to any lawful existing use, provided:
 - 1) The antenna does not extend more than 20 feet above the highest point of the structure.
 - 2) The antenna complies with all applicable FCC and FAA regulations.
 - 3) The antenna complies with all applicable building codes.
 - (b) Antennas on Existing Towers. An antenna which is attached to an existing tower may be approved by the Code Enforcement Officer. In order to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - 1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna

shall be of the same tower type as the existing tower, unless the Code Enforcement Officer allows reconstruction as a monopole.

2) Height.

- a) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
- b) The height change referred to in subsection 3)a) below may only occur one time per communication tower.
- c) The additional height referred to in subsection 3)a) below shall not require an additional distance separation as set forth in subsection (2). The tower's premodification height shall be used to calculate such distance separations.

3) Onsite Location.

- a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on its site within 50 feet of its existing location.
- b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection (2)(Q). The relocation of a tower hereunder shall, in no way, be deemed to cause a violation of subsection (2)(Q).
- d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in subsection (2)(Q) shall only be permitted when approved by the Code Enforcement Officer.

- (3) A cable microcell network in the zoning district installed through the use of multiple low-powered transmitters/receivers attached to

existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

4. **Communications Equipment Building.**

A. **Communications Antennas Mounted on Structures or Rooftops.** The equipment cabinet or structure used in association with communications antennas shall comply with the following:

- (1) The cabinet or structure shall not contain more than 100 square feet of gross floor area to be more than 10 feet in height. In addition, for buildings and structures which are less than 65 feet in height the related unmanned equipment structure, if over 25 square feet of gross floor area or 7 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
- (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 5% of the roof area.
- (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

B. **Communications Antennas Mounted on Utility Poles or Light Poles.** The equipment cabinet or structures used in association with communications antennas shall be located in accordance with the following:

- (1) The equipment cabinet or structure shall be no greater than 10 feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.

C. **Communications Antennas Located on Towers.** The related unmanned equipment structure shall not contain more than 10 square feet of gross floor area or be more than 100 feet in height and shall be located in accordance with the minimum yard requirements for the zoning district in which it is located.

D. **Modification of Building Size Requirements.** The requirements of subsection (4)(A) through 4(C) may be modified by the Code Enforcement Officer in the case of permitted uses to encourage collation.

5. **Removal of Abandoned Communications Antennas and Communications Towers.** Any communications antenna or communications tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such communications antennas or communications tower shall remove the same within 90 days of receipt of notice from Oley Township notifying the owner of such abandonment. Should the owner fail to remove an abandoned communications antenna or communications tower within said 90 day period, Oley Township may remove the communications antenna or communications tower at the expense of the owner. If there are two or more users of a single communications tower this provision regarding abandonment shall not be come effective until all users cease using the communications tower. To guarantee compliance with the removal requirements of this Section, each applicant for a communications antennas or tower shall deposit with the Township the sum of \$10,000, to be held in an interest-bearing escrow account. Within 10 days after certification by the Township Code Enforcement officer that the antenna or tower has been properly removed, the escrow amount and any accumulated interest shall be refunded to the owner. In the event the owner fails to remove an antenna or tower as required herein, and after 10 days notice sent by certified mail to the last known address of the owner, the Township may remove the antenna or tower and apply the escrow fund and any accumulated interest therein toward the cost incurred with the balance being refunded to the owner. The amount of the required escrow deposit may be changed by resolution adopted by the Board of Supervisors.
6. **Nonconforming Uses.**
 - A. **Not an Expansion of Nonconforming Use.** Communications towers that are constructed and communications antennas that are installed, in accordance with the provisions of this Chapter, shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - B. **Pre-Existing Communications Towers.** Pre-existing communications towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new communications tower of like construction and height) shall be permitted on such pre-existing communications towers. New construction, other than routine maintenance on a pre-existing communications tower, shall comply with the requirements of this Chapter.
 - C. **Rebuilding Damaged or Destroyed Nonconforming Communications Towers or Communications Antennas.** Bona fide nonconforming communications towers or communications antennas that are damaged or destroyed may be rebuilt without having to meet the separation requirements specified in subsections (2)(P) and (2)(Q). The type, height and location of the communications tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the communications tower or communications

antenna shall be deemed abandoned as specified in subsection (5).

(Ord. 240, 6/24/1992, §1406; as amended by Ord. 261, 7/10/1995, §2; as amended by Ord. 280, 1/11/1999, §5)

§27-1408. Prohibited Uses and Performance Standards.

No building may be erected, altered or used and no lot or premises may be used in any district, for any use except for farming in its usual sense, which is noxious or offensive by reason of odor, dust, smoke, vibration, illumination, or noise or which constitutes a public hazard whether by fire, explosion or otherwise beyond the lot lines of the lot.

A. In determining whether a proposed use is or may become noxious, hazardous or offensive, the following standards shall apply. The proposed activity or operation shall not:

- (1) Constitute a nuisance, or damage to health, livestock, vegetation or any other property by reason of dissemination of noxious, toxic or corrosive fumes, gases, smoke, odor or dust beyond a lot line of the lot on which the use is located.
- (2) Result in noise or vibration clearly exceeding the following levels at the property line, or in the case of an I District, beyond the district boundary line:

	Between 7 A.M. and 7 P.M. (Decibels)	Between 7 P.M. and 7 A.M. (Decibels)
Maximum	70	60
90% of time must be less than	60	50
50% of time must be less than	50	40

- (3) Endanger surrounding areas by reason of fire or explosion.
- (4) Produce noticeable or harmful heat or glare beyond the property line.
- (5) Result in electrical disturbance in adjoining properties or adversely affect the operation of equipment other than on the property on which the disturbance is located.
- (6) Discharge any untreated sewage, contaminated water or industrial waste into any stream, or onto any land, or otherwise contribute to the

pollution of surface or underground waters.

- (7) Create a hazardous traffic condition on a public street or in an adjacent area or generate a nuisance to surrounding property by reason of truck traffic.
- (8) Endanger supply or quality of groundwater.
- (9) Result in the accumulation of offal, manure or other waste, animal, vegetable, mineral or chemical matter or any combination thereof, which may result in or encourage the propagation of mosquitoes, flies and other insect pests, unless the said land or building so to be used and employed shall be situated more than 2,000 feet distance from any dwelling used or usable for human habitation within the limits of the Township.
- (10) Create any other condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

B. The applicant when requested shall demonstrate that:

- (1) The proposed use will not be noxious, hazardous or offensive as defined above;
- (2) The water supply is adequate to meet the additional requirements without danger to the supply to other properties.

In order to determine that adequate safeguards are provided, the Zoning Officer, or the Zoning Hearing Board in any case where a use is made subject to special exception, may

- (1) Require that the applicant submit necessary information, impartial expert judgments, and written assurances,
- (2) Consult with such official agencies or private consultants as may be deemed necessary, and
- (3) Require a bond.

C. Areas used for the exterior storage of materials shall be screened from view from adjoining properties by means of a planting screen, fence or similar screen. Such screen shall be approved by the Township.

In addition to the above, all uses shall comply with the Health and Safety Chapter [Chapter 10]. If any provisions of the Health and Safety Chapter is in conflict with this Chapter, the more restrictive provision shall govern.

(Ord. 240, 6/24/1992, §1407)

§27-1409. Parking Space.

Off-street parking spaces shall be provided as follows:

- A. Not less than two off-street parking spaces per single-family detached dwelling unit, with proper access from a street and adequate turnaround space, shall be provided on any lot on which a dwelling is hereafter erected or a building restored to residential use.
- B. Off-street parking space, with proper access from a street, shall be provided in the amounts indicated below, on or within 350 feet of any lot on which the following types of uses are hereafter established, with reference to §27-1414(4). Nothing in this Section shall be construed to prevent the establishment of joint parking facilities for two or more uses.
 - (1) Any dwelling other than a single-family detached dwelling: Two spaces for each dwelling unit.
 - (2) Motel, hotel, tourist house or similar establishment: One space for each rental room or suite plus one space per employee on the largest shift.
 - (3) Restaurant or similar establishment: One space for every three seats plus one space per employee on the largest shift.
 - (4) Auditorium, theater or other place of public assemblage, except churches: One space for every three seats.
 - (5) Retail Store. One space for each 100 square feet, or portion thereof, of floor area devoted to patron or office use, except that in the Village (V) District, the requirement shall be one space for each 150 square feet of space. [Ord. 286]
 - (6) Roadside stand: Not less than five spaces.
 - (7) Industrial establishment: One space for each one employee on the largest shift.
 - (8) Office: One space for 100 square feet of office space, excluding hallways, storage space and bathrooms, except that in the Village (V) District, the requirement shall be one space for each 150 square feet of space. [Ord. 286]
 - (9) For any building or use not covered above, a sufficient number of spaces to accommodate the number of automobiles likely to be used by

the patrons or occupants, consistent with the principles set forth for comparable buildings or uses.

- C. Each off-street parking space shall have a minimum area of not less than 200 square feet and minimum dimensions of 10 feet by 20 feet and, in addition, appropriate driveways, aisles and maneuvering spaces shall be provided which shall be adequate to permit safe and convenient use of the area for parking purposes. No joint driveway area shall be included as parking area.
- D. Parking areas shall be graded to provide convenient vehicular access and proper drainage. Parking areas shall be paved, except that parking areas with 10 parking spaces or less may be either paved or surfaced with crushed stone. All parking areas or other vehicular service areas, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. Such lighting, including sign lighting, shall be arranged so as to protect the public street and adjoining property from direct glare or hazardous interference of any kind.
- E. Off-street parking facilities existing at the effective date of this Chapter shall not subsequently be reduced to an amount less than that required under this Chapter.
- F. A turnaround space at the end of a driving island may extend into a required yard, but shall not be closer than 3 feet from any property line. Such turnaround space, when located within required yards, shall not be used to locate trash collection dumpsters or other waste collection devices. *[Ord. 286]*
- G. Parking requirements for a lot or lots shall be reevaluated when a change of use occurs. Parking for any new use or change of use shall meet the requirements of this Chapter. *[Ord. 268]*
- H. **Parking Held in Reserve.** If the number of spaces required by subsection (B) is substantially larger than the number of spaces anticipated by the applicant, then the applicant may hold some of the parking in reserve in order to avoid unnecessary paving while ensuring adequate area for potential parking demands.
 - (1) Suitable area must be available on the site for 100% of the parking required by subsection (B) above.
 - (2) The number of spaces which must be paved initially may be reduced by up to 50% by the Township Supervisors, upon the recommendation of the Township Planning Commission. All storm water engineering shall be designed based on total parking requirements, including the reserve.

- (3) Suitable area must be reserved for the balance of the total number of spaces required by subsection (B), these spaces shall be constructed by the applicant if and when determined necessary by the Supervisors, upon the recommendation of the Township Zoning Officer. The Supervisors may require the installation of these parking spaces under the following conditions:
 - (a) When there is evidence of a continued overflow of parking as installed by the applicant.
 - (b) When a reevaluation of the parking capacity by the Zoning Officer shows that future parking needs will not be met. The parking capacity shall be reevaluated whenever there is a change in use, ownership, number of employees, number of residents, building size and/or land area.
- (4) The Zoning Officer, after consultation with the Board of Supervisors, may deny or revoke the use and occupancy permit of any use that fails to comply with this provision.
- (5) A financial guaranty shall be provided by the applicant to cover the cost of installation of the parking spaces held in reserve, for a period of 18 months following the installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Township Supervisors upon recommendation of the Township Solicitor and Engineer.
- (6) To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Commission and Engineer for their review and recommendations.

[Ord. 286]

(Ord. 240, 6/24/1992, §1408; as amended by Ord. 286, 2/12/2001, §§20, 21, 22)

§27-1410. Loading and Unloading Space.

1. Paved off-street loading and unloading space, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel, and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways.

2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one loading space shall be provided for each use. When a zoning permit (see §27-1604) is applied for, the application for the permit shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided.

(Ord. 240, 6/24/1992, §1409)

§27-1411. Removal of Top Soil.

No excavation in any district, including I District, shall include the stripping or removal of top soil for sale or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

(Ord. 240, 6/24/1992, §1410)

§27-1412. Highway Frontage Development.

In order to encourage the sound development of highway frontage and to minimize traffic congestion and hazard, the following special provision shall apply:

- A. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a planting strip which shall be landscaped in accordance with applicable Township ordinances. Said planting strip shall control un-channeled motor vehicles entrance or exit, except for necessary accessways or access roads which provide entrance to and egress from such parking, loading or storage areas. All parking areas or lots shall be designed in such a manner as to provide adequate storage area and distribution facilities upon the lot to prevent backup of vehicles on a public street while awaiting entry to the lot. *[Ord. 286]*
- B. Each use with less than 100 feet of frontage on a public street shall have not more than one accessway to each such street, and no business or other use with 100 feet or more of frontage on a public street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from a major street.
- C. In the case of a shopping center, group of apartment houses, industrial park or similar grouping of buildings on a lot:

- (1) All parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property.
- (2) All points of vehicular access to and from a public street shall be located not less than 100 feet from the intersection of any street lines.

(Ord. 240, 6/24/1992, §1411; as amended by Ord. 286, 2/12/2001, §23)

27-1413. Setback on Major Highway.

In the case of an arterial or collector highway as classified in the Comprehensive Plan of the Township, the front yard or setback shall be not less than 80 feet in depth measured from the street line nor less than 130 feet from the center line of the highway, whichever is the greater, unless a greater setback is required by another Section of this Chapter.

(Ord. 240, 6/24/1992, §1412)

§27-1414. Floodplain Management.

1. **Identification of Floodplain Boundaries.** The 100 year floodplain boundary shall be as determined by the provisions of Floodplain Management Ordinance Ord. 241 [Chapter 8] of the Township of Oley, enacted October 12, 1992, as it may be amended from time to time. *[Ord. 276]*
2. **Permitted Uses and Structures Within The Floodplain Boundary.** A lot within an area subject to floodplain management regulations may be used or occupied for any of the following purposes, provided that such use is permitted in the district in which the lot is located.
 - A. Cultivation and harvesting of crops according to recognized soil conservation practices.
 - B. Pasture and grazing land.
 - C. Outdoor plant nursery; orchard, excluding structures.
 - D. Recreation use, such as: park, day camp, picnic grove, golf course, hunting, fishing and boat club, excluding structures.
 - E. Forestry, lumbering and reforestation, excluding storage and mill structures.
 - F. Game farm, fish hatchery, hunting and fishing reserve, excluding structures.
 - G. Wildlife sanctuary, woodland preserves, arboretum.

- H. Sealed public water supply wells.
 - I. Sewage treatment plant outfalls.
 - J. Sanitary sewage collection pipes.
 - K. Front, side or rear yards and required lot area, for any district.
 - L. Farm buildings and farm structures not exceed 1,500 square feet.
 - M. Residential accessory structures not exceed 1,200 square feet.
 - N. Paved roads and driveways.
3. **Special Exception Uses and Structures Within the Floodplain Boundary.** Any of the following uses, when authorized by the Zoning Hearing Board as a special exception, subject to the standards prescribed in §27-1707(2).
- A. Sanitary sewage treatment plants.
 - B. Dams, culverts and bridges approved by the Commonwealth of Pennsylvania, Department of Environmental Protection if the same has jurisdiction over the watershed in question. *[Ord. 311]*
 - C. Grading or regarding of land including the deposits of topsoils and the grading thereof and the construction of retaining walls.
 - D. Impoundment basins.
 - E. Farm buildings and farm structures in excess of 1,500 square feet.
4. **Floodplain Management Chapter Requirements.** All uses and structures permitted by subsections (2) and (3) above whether by right or special exception are further made subject to Ord. 241 known as the Floodplain Management Ordinance [Chapter 8] for Oley Township, enacted October 12, 1992, as it may be amended from time to time. *[Ord. 276]*

(Ord. 240, 6/24/1992, §1413; as amended by Ord. 276, 12/1/1997, §§1, 2; by Ord. 286, 2/12/2001, §24; and by Ord. 311, 6/14/2004, §1).

§27-1415. Home Occupation.

In any zoning district permitting home occupations, all dwelling units may be used for the practice of a home occupation, in accordance with the following:

- A. The principal person engaged in the home occupation must be a resident of the dwelling.
- B. The number of persons employed, on the premises of the home occupation, shall be limited to the residents of the dwelling unit plus a maximum of two additional persons.
- C. No more than one home occupation shall be permitted per dwelling unit.
- D. No storage of materials or products shall be permitted outside of buildings.
- E. No display of products shall be visible from adjoining properties or streets.
- F. There shall be no outside advertising other than as permitted under §27-1502 of this Chapter.
- G. Such home occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
- H. Not more than 25% of the floor area of the dwelling unit may be used for the purpose of the home occupation.
- I. In addition to the off-street parking spaces required for the residential dwelling one parking space shall be provided for each employee who is not a resident of the dwelling and for those home occupations which serve patrons, additional off-street parking spaces shall be provided in accordance with §27-1409 of this Chapter.
- J. Home occupations shall be further limited by the requirements of §27-1408 of this Chapter.
- K. In no case shall a home occupation be open to the public at times earlier than 8 a.m. nor later than 8 p.m.
- L. Adequate sewage disposal methods and capacity shall be provided in accordance with the Pennsylvania Department of Environmental Protection regulations. *[Ord. 311]*
- M. A Zoning Permit shall be obtained prior to start, expansion, or change of a home occupation in accordance with §27-1602 of this Chapter.

(Ord. 240, 6/24/1992, §1414; as amended by Ord. 311, 6/14/2004, §1)

§27-1416. Bed and Breakfast Inns.

1. The maximum number of rooms for rent shall not exceed four.
2. Adequate sewage disposal capacity shall be provided in accordance with Pennsylvania Department of Environmental Protection regulations. *[Ord. 311]*
3. Adequate parking is provided in accordance with §27-1409 of this Chapter.
4. No cooking facilities are permitted within the rooms for rent.
5. The maximum number of consecutive nights a room is rent to an individual shall be limited to seven.

(Ord. 240, 6/24/1992, §1415; as amended by Ord. 311, 6/14/2004, §1)

§27-1417. Kennels.

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

- A. All kennels shall comply with all applicable state codes and regulations.
- B. No kennel shall be located on a lot which is less than 5 acres.
- C. All buildings in which animals are housed and all runs shall be located at least 200 feet from all lot lines or street right-of-way lines.
- D. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- E. Outdoor pens and runs may be used, provided that:
 - (1) A double row evergreen screen at least 6 feet in height is provided and maintained around the outdoor pen and run.
 - (2) No animals shall be permitted outdoors between the hours of 8 p.m. and 8 a.m.

(Ord. 240, 6/24/1992, §1416)

§27-1418. Roadside Stand.

Roadside stands for the sale of dairy, farm, greenhouse or nursery products are permitted with the following restrictions:

- A. **Size.** The area where products are displayed or sold shall not exceed 800 square feet.
- B. **Location.** The stand shall be at least 50 feet from an intersection, and shall be at least 20 feet from the edge of the cartway of any adjoining street but in any event no structure shall be within the street right-of-way.
- C. **Removal in Off-Season.** The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale, except as is allowed below.
- D. A stand may remain place through the year without being removed if it would be located a minimum of 100 feet from the existing street right-of-way line.
- E. **Parking.** Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of §27-1409. Parking shall be provided for a minimum of four vehicles.

(Ord. 240, 6/24/1992, §1417)

§27-1419. Fences.

- 1. **Prohibited Within Right-of-Way.** In all zoning districts, no permanent fence or wall may be erected within the right-of-way lines of any street.
- 2. **Outdoor Private Swimming Pool Fences.** The intent of this Section is to prevent access to private swimming pools by children. For the purpose of this Section, private swimming pool shall be defined as: any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with a residential dwelling and which is available only to the family of the householder and his private guests. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas. An outdoor private swimming pool shall be provided with a barrier or fence which shall comply with the following:
 - A. The top of barrier shall be at least 48 inches above the finished ground level.
 - B. Openings in the barrier shall not allow passage of a 4 inch diameter sphere.
 - C. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - D. Access gates shall comply with the requirements of subsections (A) through (C) above and shall be open outwards away from the pool and shall be self-closing and have a self-latching device with its release mechanism being child

proof.

- E. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of §27-1418(2)(A) through (D).

(Ord. 240, 6/24/1992, §1418)

§27-1420. Corner Lot Restrictions.

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

(Ord. 240, 6/24/1992, §1419)

§27-1421. Mobile Home Requirements.

1. No manufactured home shall be permitted which fails to meet the standards of the Building Code [Chapter 5] of Oley Township or which does not bear the seal authorized by the United States Department of Housing and Urban Development (HUD) indicating that the manufactured home conforms to the standards of that agency (known as the HUD Certification Label). Mobile homes manufactured prior to June 15, 1976, shall be manufactured to the appropriate ANSI Code in force at the time of manufacture.
2. Each manufactured or mobile home shall be completely skirted around its base and must be set upon at least a pier foundation consisting of mortared double-wide concrete blocks. The piers shall be spaced no more than 8 feet apart and set upon either concrete footings at least 2 foot by 2 foot square and 12 inches thick and 30 inches below finished grade or a level 4 inch thick concrete slab with a 4 inch thick crushed stone base. The width and length of the slab and base shall be equal to that of the manufactured or mobile home.
3. No manufactured or mobile home lot shall be rented for occupancy except for a period of 30 days or more.

(Ord. 240, 6/24/1992, §1420; as amended by Ord. 286, 2/12/2001, §25)

§27-1422. Erection of More Than One Principal Structure on a Lot.

In any district more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that the area, yard and other requirements of this Chapter pertinent to the district in which the lot is located shall be met for each structure as though it were on an individual lot, unless otherwise specifically provided in this Chapter.

(Ord. 240, 6/24/1992, §1421)

§27-1423. Outdoor Flea Market.

In any district permitting an outdoor flea market the following regulations shall apply:

- A. **Vender Space.** Each vender shall be provided with a minimum area of 400 square feet to allow for the display of items for sale and to provide a parking space for the vender's vehicle. The vender spaces shall be arranged in such a manner to provide safe and convenient access and egress of the vender's vehicle without disturbing adjacent vendors. The vender spaces shall be improved and maintained to a mud free condition.
- B. **Location.** The vender spaces shall not be permitted within the front, side or rear yards as defined for the district in which the outdoor flea market is located.
- C. **Removal in Off-Season.** The stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.
- D. **Parking.** Two off street parking spaces shall be provided per each vender space and shall be in accordance with §27-1409 of this Chapter.
- E. When an outdoor flea market is located on a parking lot servicing another permitted use or uses the vender spaces and associated parking spaces shall not reduce the number of parking spaces required for the other uses below the minimum required by the Chapter.
- F. The Zoning Hearing Board may place other restrictions and requirements on proposed outdoor flea market uses as the Board sees necessary for the protection of the general health, safety and welfare of the public.

(Ord. 240, 6/24/1992, §1422)

§27-1424. Erection of a Principal Structure on Two Adjacent Lots in the Same Ownership.

The owner(s) of two adjacent lots, both held in the same single and separate ownership, may erect a structure on the property line joining these lots or in one of the side yards between these lots, provided that:

- A. A new deed is prepared and recorded, consolidating the two properties into one unified legal description.
- B. The proposed structure meets the yard, area and other applicable requirements of this Chapter.

(Ord. 240, 6/24/1992, §1423; as added by Ord. 255, 5/9/1994, §15)

§27-1425. Sewage Disposal and Water Supply.

1. All occupied buildings hereafter established shall be served by a potable water supply, and by a sewage disposal system which meets the requirements of the Pennsylvania Department of Environmental Protection. *[Ord. 311]*
2. For purposes of this Section, an occupied building shall be defined as any permanent building which is occupied by a person or persons for residential or business purposes.
3. This Section shall not apply to temporary or seasonal roadside stands which are established for the purpose of selling dairy, farm, greenhouse, nursery or similar products.

(Ord. 240, 6/24/1992, §1424; as added by Ord. 255, 5/9/1994, §15; as amended by Ord. 311, 6/14/2004, §1)

§27-1426. Woodland Extraction.

For the construction of all single-family dwellings, the clear cutting of mature trees (6 inches or more in diameter) to provide an adequate area for the location of the dwelling shall not exceed 15,000 square feet (excluding the clearing necessary for the construction of a driveway).

(Ord. 240, 6/24/1992, as added by Ord. 261, 7/10/1995, §3)

§27-1427. Lot Area Requirements for Steep Slopes.

1. **Statement of Intent.** Oley Township contains some hilly terrain which is occasionally quite steep. Development on steep terrain enhances the potential for adverse impacts resulting from erosion and stormwater runoff. This potential is increased as lot size decreases. Recognizing the significance of steep slope development on small lots, the Township hereby sets a special lot area requirement for slopes that are greater than 15%. This requirement, combined with effective stormwater management practices will help to mitigate the effects of steep slope development in the Township.
2. **Lot Area Requirement for Steep Slopes in Existing Zones.** Unless a greater minimum lot area is otherwise specified, in which case the greater area shall apply, the minimum net lot area requirement for all lots or parcels where more than 50% of the area is greater than 15% slope shall be 2½ acres. Since each specific lot or parcel within a subdivision is subject to the above lot area requirement, a subdivision could contain some larger lots and some lots that conform with the basic area requirement for the class of District. With the exception of the minimum lot area, the lots that must be larger due to slope shall conform to the same area and height regulations that apply to the Zoning District in which the lot is located.
3. **Determination of Steep Slope Areas.** An indication of the slope of any location in the Township can be obtained from the Berks County Soil Survey (1970), published by the Department of Agriculture, Soil Conservation Service. Soils shown on the aerial photo maps that contain a slope identifier of D, E or F in the map symbol have slopes of 15% or greater (examples: CnD, ChE3, EdF). Properties with these soil classifications are presumed to have steep slope under this Chapter. It is recognized that the soil lines shown on the maps are approximate, and may not accurately define the areas of steep slope on a property. Therefore, a land owner:
 - A. May conduct a topographic survey of the property to more accurately identify the steep slope areas.
 - B. Must conduct such a survey when required by the Township in instances where the actual slopes on the property appear to be more than those indicated by the Soil Survey mapping.
4. **Procedures for Onsite Topographic Survey.** The owner of a property may demonstrate to the Township that the actual slopes on a property are less than those indicated by the soil survey mapping. This can be done by an onsite topographic survey conducted by a registered Professional Engineer or Professional Land Surveyor. The plan shall contain the seal and certification of the Engineer or Surveyor that the survey was conducted by him. A topographic survey shall be prepared in accordance with the scale requirements established in the Subdivision and Land Development Ordinance [Chapter 22] for subdivision plans and shall include at least the following:

- A. The surveyed topography in 2 foot contours.
 - B. Proposed lot lines and significant features such as water bodies, tree masses and existing buildings.
 - C. The areas of the property where the slope is greater than 15% according to the soil survey mapping.
 - D. The name and seal of the Engineer or Surveyor who prepared the plan.
 - E. The name of the land owner and subdivision.
5. **Review of Topographic Plan.** Completed topographic plans shall be submitted to the Township Secretary, who shall refer the plan to the Township Planning Commission and the Township Engineer for review. The Township Engineer shall advise the Planning Commission, the Township and the Zoning Officer of the results of the topographic study as it applies to lot size.
6. Any lot held in single and separate ownership on the effective date of this Chapter which does not meet the minimum size requirement of this Section due to the steep slopes may be used for any use permitted in the Zoning District in which it is located.

(Ord. 240, 6/24/1992; as added by Ord. 283, 3/13/2000, §4)

§27-1428. Outdoor Restaurants.

1. Outdoor restaurants shall be permitted only in conjunction with an indoor restaurant on the same lot.
2. Outdoor restaurants are permitted only in a zoning district where restaurants are permitted.
3. Outdoor music is prohibited.
4. Serving of patrons occupying an outdoor restaurant must cease at 9p.m. The area shall be closed to all patrons at 10 p.m.
5. Outdoor restaurants must comply with all other applicable Township or regulatory agency requirements.

(Ord. 240, 6/24/1992; as added by Ord. 286, 2/12/2001, §26)

§27-1429. Keeping of Grazing Animals.

Large grazing animals including, but not limited to, cows, steers, ponies and horses shall not be kept on any lot having a gross lot area of less than IVz acres.

(Ord. 240, 6/24/1992; as added by Ord. 286, 2/12/2002, §26)

§27-1430. Fuel Pump Islands and Canopies and Fueling Station Lighting.

1. Fuel pump canopies shall be limited in height as follows:
 - A. The bottom of a fuel pump island canopy shall be no higher than 14 feet. For the purpose of this Section, the bottom shall be measured from the ground to the highest point on the bottom of the canopy.
 - B. The top of a fuel pump canopy shall be no higher than 16 feet. For the purposes of this Section, the top shall be measured from the ground to the highest point on the top of the canopy.
2. Fueling station lighting shall be regulated as follows (also see lighting regulations in the Subdivision and Land Development Ordinance [Chapter 22]).
 - A. Lights used for illumination of motor vehicle fueling stations shall be shielded to prevent exposure of adjacent properties and roadways to direct glare or direct view of the light bulb or lens. This requirement shall apply to the fueling station buildings, accessory building or structures and the fuel pump canopies.

(Ord. 240, 6/24/1992; as added by Ord. 286, 2/12/2001, §26; as amended by Ord. 291, 10/8/2001, §1)

§27-1431. Exterior Lighting.

1. **Safety and Personal Security Hazards.** If the Code Enforcement Officer or other designated Township official, with the advice of the Township Engineer, judges an exterior lighting installation to create a clear safety or personal security hazard, the person(s) responsible for the lighting shall be so notified and requested to take timely remedial action.
2. **Nuisance Glare and Inadequate Lighting.**
 - A. If the Code Enforcement Officer, with advice from the Township Engineer, judges that an installation produces excessive nuisance glare or that illumination levels are insufficient or not being maintained in accordance with the Township ordinances, the officer shall cause the notification to be sent to the person(s) responsible for the lighting and request remedial action.

- B. If the infraction so warrants, the officer may act to have the problem corrected in accordance with the enforcement provisions of this Chapter.

(Ord. 240, 6/24/1992; as added by Ord. 286, 2/12/2001, §26)

§27-1432. Soils With Seasonally High Water Table and Wetlands.

1. Seasonally High Water Table Soils.

- A. Soils with seasonally high water tables, as defined in Section 27-202, shall not be disturbed by the construction of any structure or any subsurface sewage system.
- B. Where soils with a seasonally high water table exist, no proposed structure shall be less than fifty (50) feet from the established boundary of such soils. No land disturbance, including grading or the creation of stormwater management facilities, shall be permitted in areas containing seasonally high water table soils.
- C. In order to delineate seasonally high water table soils, soil investigation must be observed in the field by the Township Engineer. Test pits shall be excavated at fifty (50) foot intervals along the length of the seasonally high water table soils boundary both within and outside of the seasonally high water table soils. A written soil log shall be required for each test pit. A map shall be required showing the surveyed location of each test pit, as well as an identification number. A written report, prepared by a qualified professional, compiling the written logs, mapping and a summary of the delineated seasonally high water table soils area, shall also be required. The Township Engineer shall review the report to determine compliance with the Zoning Ordinance and other applicable Ordinances and issue a review letter to the Township.

2. Wetlands. Wetlands shall be determined to exist where indicated by the use of the Criteria For Wetland Identification, as outlined in the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, as adopted by the Pennsylvania Department of Environmental Protection. Where wetlands are found to exist, the following procedures are applicable:

- A. Should the existence of wetlands be indicated after a review of the requirements of Section 27-1432.2 above, a wetlands delineation shall be performed by a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified professional experienced in wetland ecology, with the selection of such party to be at the discretion of the applicant. Plans shall be submitted to the Township for review that show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such Plans. Further,

unless it is clearly evident in such Plans and/or by any field review of the Township Engineer that there are no designated wetlands or, if there are, that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including, but not limited to, the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection for boundary confirmation and/or requisite wetland permits. All potential impact on wetlands shall conform to applicable regulations, as amended.

- B. Should the Township conclude, after reviewing the information to be determined under Sections 27-1432.1 and 27-1432.2, that wetlands exist, or exist to a greater extent on the site, contrary to the applicants' findings, the Township may engage a separate consultant or an independent consultant to review the data and make such examinations in the field as are required to verify or determine the extent of discrepancy from the applicant's wetland determinations. In the event the Township finds the applicant's determination to be incorrect, the applicant shall be required to pay for the cost of the Township's determinations in this regard. In the event that the applicant's wetland determinations are found to be correct, the Township will bear the cost of the verification survey indicated.
 - C. Where wetlands exist and disturbance permits and/or mitigation activities are required, Final Plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary wetlands permits and/or waivers permits. Such permitting shall include, as required by the Pennsylvania Department of Environmental Protection, a habitat screening for the potential presence of bog turtles or other endangered species or their habitat as designated by any State or Federal entity.
3. **Exemptions.** The provisions of this Ordinance shall not apply to the following:
- A. Construction on building lots created by subdivisions approved by the Board of Supervisors prior to the effective date of this Ordinance.
 - B. Accessory buildings, including farm structures, constructed in conjunction with a pre-existing, permitted use.
 - C. Additions to structures in existence at the effective date of this Ordinance.

(Ord. 325, 10/09/2006, §2)

PART 15**SIGNS****27-1501. Purpose.**

In addition to the general goals listed in the statements of Purpose (Section 27-101), it is the purpose of this Section to provide for the regulations of signs in the Township as a proper exercise of the municipal police power to protect the public health, safety and general welfare in accordance with the following objectives:

- A. To promote safety, comfort and well being of users of streets, roads and highways in the Township.
- B. To control the size, locations and illumination of signs in the Township to reduce hazards to pedestrian and vehicular traffic.
- C. To encourage signs which are well designed and pleasing in appearance, and to provide latitude for variety in order to enhance the economic value as well as character of properties within the Township.
- D. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors, and legible in the circumstances in which they are seen; and to prohibit the erection of signs that do not meet these criteria and which are incompatible with the agricultural landscape, historic and rural character of the Township.
- E. To prohibit the construction of and require the removal of signs which constitute a hazard or a blighting influence.
- F. To preserve or enhance the rural and historic character of the Township by requiring new and replacement signage which is:
 - (1) Creative and distinctive.
 - (2) Compatible with the surroundings.
 - (3) Appropriate to the type of activity to which it pertains.
 - (4) Expressive of the identity of individual proprietors or of the community as a whole.
 - (5) Appropriately sized in its context, so as to be easily readable.

27-1502. Definitions.

For the purpose of this Part 15, the following words, terms and phrases shall have the meaning herein indicated:

- A. **Advertising Sign** – Any sign which directs attention to a business, commodity, service or entertainment conducted, sold, offered elsewhere than upon the premises where the sign is displayed.
- B. **“Back-Lit” Illuminated Sign** – A sign designed to produce artificial light directly or indirectly through LED, transparent or translucent material from a source of light or luminous components within such sign.
- C. **Bulletin Board or Directory Sign** – A permanent or portable sign with movable letters, words or numerals, indicating the names of persons associated with events, products, services offered upon the premises with which such sign is maintained.
- D. **Business Sign** – A sign which directs attention to a business, profession, event, activity, exhibit, entertainment or industry conducted on the premises to the products sold, manufactured or assembled upon the same premises on which it is displayed.
- E. **Directional Sign** – A sign containing directional information locating public places owned or operated by federal, state, local governments or their agencies: public or privately owned natural phenomena, historical, cultural, scientific, education and religious sites; and areas of natural scenic beauty that are naturally suited for outdoor recreation.
- F. **Flashing Signs** – Any illuminated sign which the artificial light is not maintained stationary and/or constant in intensity at all times when such sign is in use and which exhibits changes in light, color direction or animation, including, but not limited to, moving, rotating, flashing and oscillating, shuttered or other similar sign.
- G. **Flush Mounted Sign** – A sign attached to and mounted parallel to the face of a building or structure, or where architectural features (covered entryways, awnings or other building elements except where otherwise prohibited) are clearly designed to accommodate a sign mounted parallel to the building face.
- H. **Freestanding Sign** – A sign supported by one or more poles, columns or supports placed in or on the ground and not attached to any building or structure.
- I. **HARB** – Historic Architectural Review Board.

- J. **Historical Marker Sign** – A marker or tablet commemorating a historical site or event and erected by the Pennsylvania Historical and Museum Commission or other authorized historical society or commission.
- K. **Home Occupation Sign** – Signs which identify or advertise home occupations.
- L. **Identification Sign** – A sign located on the premises other than a bulletin board or nameplate sign, indicating the name of a development, building or the management thereof.
- M. **Illuminated Sign** – A non-flashing or non-twinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.
- N. **Incidental Sign** – A small sign, emblem or decal less than two square feet per side in area informing the public of goods, facilities or services available on the premises; e.g., a credit card sign, directional (entrance, exit) or a sign indicating hours of business.
- O. **Nameplate Sign** – A sign which designates the name and address of an occupant or group of occupants.
- P. **Off-Premises Sign** – A sign which directs attention to a business, profession, commodity, service or entertainment that is not conducted, sold or offered on the same premises.
- Q. **Official Traffic Sign** – Signs erected by the Commonwealth of Pennsylvania, Department of Transportation, or the Township of Oley which are designed to regulate traffic, describe road conditions or supply directions.
- R. **On-Premises Sign** – A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the same premises.
- S. **Outdoor Advertising Billboard** – A sign with a square footage on one side of between sixty (60) square feet and one hundred sixty (160) square feet, permanently affixed to the ground and intended to direct attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.
- T. **Permanent Sign** – Any sign which is not a temporary sign.
- U. **Political Sign** – A sign intended solely to promote the election of a political candidate.
- V. **Portable Sign** – Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

- W. **Projecting Sign** – A display sign which is attached directly to any building, wall or other structure, and which extends more than twelve (12) inches from the face of the wall.
- X. **Professional Signs** – Signs which indicate the profession of a doctor of medicine, veterinarian, dentist, teacher, artist, architect, musician, lawyer, district justice or practitioner of similar character.
- Y. **Public Service and Information Signs** – A sign advertising the availability of restrooms, telephones or similar public conveniences.
- Z. **Real Estate Sign** – A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.
- AA. **Sign** – See Section 27-202.
- BB. **Sign Area** – The face of a sign, including all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including the frame, but not including any supporting framework and bracing. Where a sign consists of individual letters, numbers, characters or symbols attached to a building, the area of the sign shall be considered to include a square or rectangular pattern as drawn at the outer limits of the letters, words or representations.
- CC. **Temporary Sign** – A sign notifying of or advertising a special event on the premises, such as festivals, concerts or exhibits, the sale of farm products, signs of contractors, architects, mechanics and artisans.
- DD. **Vehicular Sign** – A sign which is affixed to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.
- EE. **Window Sign** – A sign affixed to or visible through a window of a building.

27-1503. Signs in AP, HV, RU, RA, AQRC, RMH and I Districts.

In AP, HV RU, RA, AQRC, RMH and I Districts, the following types of signs and no other shall be permitted:

- A. Official Traffic Signs.
- B. Home Occupation, Professional or Nameplate Signs provided that:
 - (1) The size of any such sign shall not exceed two (2) square feet.

- (2) Not more than (1) such sign shall be erected for each permitted use or dwelling unit.
- C. Identification signs for subdivisions, planned residential developments, multi-family development, mobile home parks, schools, churches, hospitals or similar institutions and for clubs, lodges, farms, estates or similar uses provided that:
- (1) The size of any such sign shall not exceed eight (8) square feet.
 - (2) Not more than one (1) such sign shall be placed at each vehicular entrance to a property from a public road.
 - (3) Within each mobile home park, not more than two (2) signs indicating the office and the location of supportive facilities, each of which shall not exceed three (3) square feet in size.
 - (4) Such signs shall be in accordance with the sign plan submitted and approved per the Township's subdivision and land development plan review process. If not part of or applicable to a sign plan, such signs shall require the Board of Supervisors' approval prior to the issuance of a sign permit. Identification signs for farms and estates shall be exempt from this sign plan and approval requirement.
 - (5) Such signs shall comply with the following standards:
 - (a) All signs shall be located outside the road right-of-way.
 - (b) Where practical, signs shall be connected to existing or new hedgerows, fences, stone walls or other perimeter landscaping or fencing to create a unified and consistent development design.
 - (c) Such signs shall be maintained by the property owner or homeowners' association, where applicable.
- D. Real Estate Signs, including on-site signs advertising the sale or rental of premises provided that:
- (1) Any sign larger than three (3) square feet requires approval of the HARB.
 - (2) Not more than one (1) such sign shall be placed on the premises, unless such premises fronts on more than one (1) street or road, in which case one (1) such sign may be placed on each road frontage.
 - (3) All such signs shall be removed within five (5) days of the sale or rental of the premises.

- E. Temporary Signs provided that:
- (1) The size of such sign shall not exceed nine (9) square feet.
 - (2) Signs of contractors, architects, mechanics and artisans shall be removed within five (5) days after the completion of work.
 - (3) Signs advertising the sale of nursery or agriculture products may be a freestanding sign or wall sign, but not both; and shall be removed within one hundred eighty (180) days of installation. There shall be a limit of four (4) signs per year for each property.
- F. Signs advertising a lawful, nonconforming use provided that:
- (1) The area on one side of any such sign shall not exceed twelve (12) square feet.
 - (2) Such sign shall be erected only on the premises on which such nonconforming use is located.
 - (3) Such sign shall not be lighted.
- G. Temporary political campaign signs provided that:
- (1) The size of the sign shall not exceed nine (9) square feet on one side.
 - (2) No sign shall be placed earlier than sixty (60) days prior to the relevant election.
 - (3) All signs shall be removed no later than five (5) days following such election.
 - (4) Signs shall not be placed within the street right-of-way, and shall be located so as not to obstruct visibility from or impede the use of any street, driveway and sidewalk, bikeway, parking area, path or trail.
 - (5) No such sign shall be erected or maintained on a tree or utility pole.
- H. Historical or memorial markers or tablets provided that:
- (1) The size of such sign shall not exceed ten (10) square feet.
 - (2) Not more than one (1) such sign shall be placed on the premises unless such premises fronts on more than one (1) road or street, in which case one (1) such sign may be placed on each frontage.
- I. "Back-Lit" Illuminated Signs and Off-Premises Signs shall be prohibited.

- J. Illuminated signs of any type shall be prohibited in the AP, RU, RA, HV and RMH zones.

27-1504. Signs in V, LB, LIB, HB, RUV and I Districts.

Signs may be erected and maintained as follows:

- A. All signs permitted under Section 27-1503.
- B. A sign advertising a use not conducted on the premises or goods not sold on the premises shall not be permitted, except for directions signs and billboards.
- C. Outdoor Advertising Billboards are permitted in the HB District only, and may be placed at a rate of no greater than one (1) per mile, including both sides of the road.
- D. The total area of one (1) single sign may not exceed thirty-two (32) square feet on one side, except billboards, which shall have advertising on only one (1) side and the total area of which may not exceed one hundred sixty (160) square feet in size. No sign in the Village (V) District shall exceed nine (9) square feet.
- E. The total area on one (1) side of all signs placed on or facing any one street frontage of any one (1) premise shall not exceed sixty-four (64) square feet, except in the case of a building housing more than one (1) commercial or industrial use.
- F. The area on one (1) side of a directional sign shall not exceed four (4) square feet.
- G. No sign shall be located within any street right-of-way or within seven (7) feet of the cart way, whichever is the greater distance.
- H. No more than one (1) freestanding sign shall be allowed on any one (1) property, and its height shall not exceed ten (10) feet.
- I. In case of a building housing more than one (1) commercial or industrial use, one (1) permanent identifying sign for the building, the area on one side which shall not exceed thirty-five (35) square feet may be erected. In addition, for each commercial or industrial use located within that building, one (1) sign, the area of which shall not exceed twenty (20) square feet, may be attached to that portion of the building housing the use.
- J. Business, commercial or industrial signs identifying the written name and/or the type of business and/or any trademark of an article for sale or rent on the

premises or otherwise calling attention to a use conducted on the premises provided that:

- (1) Where such business or use is seasonal and temporary (e.g., sale of Christmas trees, flea market, yard sale, etc.) any sign shall be removed within five (5) days of completion of the event.
- (2) For a single, freestanding principal use of a commercial or industrial lot, there shall be not more than one (1) sign (regardless of construction type) for each Public Street on which the property fronts.
- (3) The total area of any freestanding, projecting or wall sign for an individual freestanding use shall not exceed an area equal to ten percent (10%) of the total square footage of the building parallel to, and facing, any particular street or a total of twenty-five (25) square feet, whichever is less. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one (1) frontage may not be used on another street frontage.

27-1505. General Sign Requirements.

The following regulations shall apply to all districts:

- A. No sign shall be erected within any street right-of-way, except official traffic signs and similar regulatory notices or historical markers of a duly constituted governmental body.
- B. No sign having a distracting effect on motorists on adjacent highways shall be permitted, including flashing signs and those which move, oscillate or rotate, and those which contain reflective elements which flutter or sparkle and convey the impression of movement.
- C. No sign shall be erected so as to obstruct free and clear vision of any intersection, driveway, parking lot entrance or exit, or traffic control device.
- D. No sign shall be erected which uses an artificial light or reflecting device which may be mistaken for a traffic signal or which contains red, green or amber illuminations.
- E. No sign shall be erected or maintained so as to prevent free ingress and egress from any door, window or fire escape.
- F. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.

- G. No sign shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- H. No Business Sign shall be located nearer to a residence or a residential district line than permitted for buildings on the lot. If located nearer than fifty (50) feet and facing into a residence or a Residential District, it shall be designed so as not to shine or reflect light upon such residence or District.
- I. No sign shall be illuminated except by concealed indirect lighting. Any illumination of signs in any District shall be shielded so that the source of light is not visible from any point off the lot on which the sign being illuminated is erected or from any adjacent vehicular access or street, and so that only the sign is illuminated.
- J. Projecting, freestanding or wall signs shall have a minimum clearance of ten (10) feet from the finished grade of any sidewalk, or fourteen and one-half (14-1/2) feet above any parking area or drive. Wall signs mounted flush to a building may be located less than ten (10) feet from the finished grade of any sidewalk, or fourteen and one-half (14-1/2) feet above any parking area or drive.
- K. No roof signs shall be permitted, and no part of any sign shall extend above the vertical building face of wall, such as the eaves line or the top of a parapet.
- L. All signs shall be made a harmonious part of the architectural design and character of the buildings located on the same lot and the District in which the sign is located and subject to the approval of the HARB.
- M. All signs shall be securely mounted or fastened to the building upon which they are erected or, if freestanding, must be securely and safely installed in the ground.
- N. Public Service and Information signs shall be permitted in all Districts.
- O. Non-commercial signs and decorations for an official or religious holiday are permitted; provided that they do not create traffic or fire hazards and are removed within five (5) days following the event. Such sign shall not exceed eight (8) square feet.
- P. One (1) or more signs applied to a windowpane, giving store hours, the name or names of credit or charge institutions when the total area of any such sign or all signs together does not exceed two (2) square feet shall be permitted.

Q. Prohibited Signs:

- (1) Flashing signs, rotating or revolving signs, with the exception of barber poles.
- (2) Any sign suspended between poles and illuminated by a series of lights.
- (3) Any suspended banner/sign which is either a pennant that blows in the wind or a temporary spinner that spins in the wind, except, when located inside a stadium, arena or temporary fairground or any other type of banner/sign which crosses a public road, street or on any private property; except for such signs which are approved by the Board of Supervisors to be of general benefit to the municipality or for public convenience, necessity or welfare.
- (4) Signs which use the words “stop”, “look”, “danger” or any other word, symbol or character which attempts or appears to attempt to direct the movement of traffic, or which interferes with, imitates or resembles any official traffic sign, signal or device within seventy-five (75) feet of a public right-of-way, or within two hundred (200) feet of a traffic control device.
- (5) Vulgar, indecent or obscene signs, being signs which are offensive to the senses and/or calculated to corrupt, may not be displayed in any manner.
- (6) Signs shall not be posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way.
- (7) Signs which contain include or are illuminated by any flashing, intermittent or moving light or lights.

R. Temporary Signs. Temporary signs may be erected for special events lasting ten (10) days or less; and temporary off-premise directional signs may be erected for these same events provided that:

- (1) The event is being held within the boundaries of Oley Township.
- (2) A limit of one (1) sign is erected on the premises where the event is taking place and is twelve (12) square feet or less in area.
- (3) Off-premise directional signs that are four (4) square feet or less in area and are limited to one (1) sign per property.
- (4) Signs are erected no sooner than three (3) days prior to the event, and removed immediately after said event.

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

27-1506. Permits.

A permit shall be required for all signs allowed in any Zoning District, except for signs listed as exempt signs below. All permit applications shall contain the written consent of the owner on whose property the sign is to be erected. All signs whether or not requiring a building permit shall be presented to the HARB for their recommendation of approval to the Board of Supervisors.

- A. No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Code Enforcement Officer for such purposes, except for signs listed below:
 - (1) Temporary signs used by churches, synagogues, governmental bodies, schools or civic organizations.
 - (2) Temporary construction signs of three (3) square feet or less.
 - (3) Directional information signs of three (3) square feet or less.
 - (4) Holiday or special events decorations.
 - (5) Nameplates, house numbers, address signs.
 - (6) Political signs.
 - (7) Real estate signs.
 - (8) Window signs.
 - (9) Incidental signs.
 - (10) Temporary signs as permitted.
 - (11) Traffic control signs.
 - (12) Legal notice.

- (13) A sign indicating the prohibition or control of fishing, hunting or trespassing; or signs indicating the private nature of a road, provided the area of the sign does not exceed four (4) square feet.
- B. The fact that permits are not required for a sign does not exempt that sign from any of the provisions of Section 27-1506.
 - C. Any sign to be erected in the Township that is not exempt under Section 27-1506 shall require a permit. No such sign shall hereafter be erected, altered or the content changed (except on a directory sign) until a permit is issued by the Zoning Officer.
 - D. No permit to erect a sign shall be issued until the required fee has been paid to the Zoning Officer, which fee shall be established from time to time by Resolution of the Board of Supervisors.
 - E. Application for a sign permit shall be made in writing to the Zoning Officer and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Section. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and to scale, showing the following:
 - (1) Exact dimensions of the lot, including any right-of-way lines, or building upon which the sign is proposed to be erected.
 - (2) Exact size, content, dimensions and location of the said sign on the lot or building, together with its type, construction, materials to be used and manner of installation.
 - (3) Any other lawful information which may be required of the applicant by the Zoning Officer.
 - (4) Permits shall be granted or refused within thirty (30) days from the date of application as per the Pennsylvania Municipal Planning Code.
 - (5) No sign permit shall be issued unless there is conformance with the regulations of this Section; except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
 - (6) After installation, the Zoning Officer shall inspect the sign to insure that the installation has conformed to the regulations set forth in the Section. All signs shall be subject to annual inspection.

27-1507. Standard Type of Construction of Permitted Sign.

In addition to all other applicable standards of this Section, the following standards shall apply to the respective types of sign construction specified:

A. Freestanding Signs.

- (1) Except as otherwise specified, one (1) freestanding sign is permitted per street upon which the property has direct frontage provided that a maximum of two (2) such signs shall be permitted as a right on any tract with a separation of at least one hundred fifty (150) feet.
- (2) No freestanding sign shall project to a point nearer than five (7) feet from the cart way, or the right-of-way line whichever is greater; where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
- (3) Freestanding signs shall be located no closer to any adjacent public park, church, school or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by this Section.
- (4) No freestanding sign related to a commercial use may be located nearer to a residential lot line than the minimum setback distance required for other business or commercial structures. If located nearer than fifty (50) feet and facing into a residential lot line, such sign shall be designed so as not to shine or reflect light into adjacent residences.
- (5) All poles or columns that support ground signs shall be made of metal or pressure treated timbers. All such poles or columns shall be embedded in the ground at least three (3) feet, six (6) inches, unless the Zoning Officer directs otherwise.
- (6) The maximum height of any freestanding sign erected without the use of a pole, pylon or standard shall be three (3) feet, six (6) inches. A sign erected on a pole, pylon or standard shall not exceed a maximum height of ten (10) feet; and the minimum distances between the ground surface and the bottom of the sign face shall be four (4) feet.

B. Flush Mounted Signs.

- (1) Flush mounted signs shall not project more than twelve (12) inches from the building wall and must be so located that the lower edge is a minimum of ten (10) feet above grade in any case where projection from the wall is greater than three (3) inches.

- (2) For a planned village shopping center, or other multi-tenant commercial building or property, more than one (1) sign shall be permitted per wall, except that the total area of all signs on one wall shall not exceed ten percent (10%) of the façade.
- (3) Flush mounted signs may be erected upon a canopy or marquee if the structural strengths of such a canopy or marquee is sufficient to safely carry the additional load and provided that such signs may not extend beyond the edges of said canopy or marquee or extend beyond otherwise prohibited areas.
- (4) No flush mounted sign shall extend above the top of the wall upon which it is mounted or beyond the edges of same.

C. Projecting Signs.

- (1) Projecting signs shall be permitted only within the HB and I Districts.
- (2) A projecting sign shall be so located upon the building that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of four (4) feet from the building wall; provided, however, that no sign shall project to point nearer than five (5) feet from the edge of the paved roadway.
- (3) No projecting sign shall extend above the top of the wall upon which it is mounted.
- (4) No more than one (1) projecting sign shall be permitted per premises.

D. Window Signs.

- (1) More than one (1) window sign shall be permitted per building; provided that all window signs are temporary and do not exceed fifteen percent (15%) of the total glass area on the side of the building where they are placed.
- (2) Grocery stores, food markets and pharmacies shall not exceed twenty percent (20%) of the total glass area covered by window signs.

27-1508. Removal of Signs/Enforcement.

A. Unsafe Sign.

- (1) All signs shall be constructed of durable materials and kept in good condition and repair, safe from hazards, nuisances and collapse. When any sign becomes dilapidated, structurally unsafe or endangers the public safety, or the safety of a building or premises, the Township shall give written notice to

the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within thirty (30) days. Should the remedy not occur within this time frame, the Township shall remove the sign at the expense of the owner.

- (2) Where, in the opinion of the Zoning Officer, upon careful inspections, any sign as described in Paragraph A, above, constitutes an imminent hazard to public safety necessitating immediate action, he shall be empowered to take those measures he deems appropriate to secure, stabilize or remove such sign without the written notice to the owner of the premises otherwise required by that Section. In such cases, a lien shall be placed against the property on which such sign was situated in the amount of the costs incurred by the Township in removing the sign.
- (3) Failure of the Zoning Officer to remove, or require the removal of any unsafe sign as described in this Section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of said sign.

B. Abandoned Sign.

- (1) Any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which relates to a time or event inconsistent with the time limits established by the Section, shall be deemed to have been abandoned. An abandoned sign shall be removed by the owner of the sign or owner of the property within thirty (30) days of written notification from the Zoning Officer.
- (2) If a use ceases for a period of six (6) months, signs advertising the ceased business, or businesses, must be removed by the owner of the property or the owner of the sign. Such signs may shall be removed within thirty (30) days of written notice to the owner.
- (3) The Township shall have the right to remove any temporary political campaign sign located on public property which is not removed within the time limit prescribed or where, in the opinion of the Zoning Officer, its continued presence would constitute a safety or visibility hazard to the public.

C. Illegal Sign. Any sign installed or placed on public property or within any public right-of-way that is not in conformance with the requirements of this Section shall be forfeited to the public and subject to confiscation. In addition to other authorized remedies, the Township shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of such sign.

(Ord. 240, 6/24/1992, §1503, as amended by Ord. 340, 10/22/2009, §2)

PART 16**ADMINISTRATION****§27-1601. Zoning Officer.**

1. **Appointment.** A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Chapter. Compensation of the Zoning Officer shall be established by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office in the Township.
2. **Qualifications.** The Zoning Officer shall by training or experience be familiar with building procedures and zoning terminology and with the proper application of the powers and duties of his office.
3. **Duties and Powers.** It shall be the duty of the Zoning Officer and he is hereby given the power and authority to enforce the provisions of this Chapter and the amendments thereto. He shall have such duties and power as are conferred on him by this Chapter and as are reasonably implied for that purpose subject to the authority of the Board of Supervisors. The Zoning Officer's duties shall include, but are not limited to, the following:
 - A. Receive applications and issue permits as set forth in this Chapter.
 - B. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc., remain in existence.
 - C. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal action as is authorized under the law.
 - D. Issue permits for buildings, structures and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans have been recorded.
 - E. Issue permits for uses requiring new or altered onsite sewage disposal facilities only after any necessary permit has been issued by the Township Sewage Enforcement Officer.

- F. Issue permits for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter. Issue permits for conditional uses only after a conditional use has been approved by the Board of Supervisors.
- G. Issue permits for building requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- H. Submit report of his activities as requested by the Board of Supervisors.
- I. Institute civil enforcement proceedings and send enforcement notices as defined in §616.1 of the Pa. Municipalities Planning Code, as amended, to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 240, 6/24/1992, §1600)

§27-1602. Permits.

1. Permits are required for any of the following:
 - A. Construction of a building.
 - B. Basic structural alteration of a building.
 - C. Construction or major repair of a driveway.
 - D. Change in use of a building or of land.
 - E. Signs.
 - F. Change in occupancy of a building used for nonresidential purposes. *[Ord. 261]*
2. The requirements for these permits are discussed below.

(Ord. 240, 6/24/1992, §1601; as amended by Ord. 261, 7/10/1995, §5)

§27-1603. Building Permits, Certificates of Occupancy and Driveway Permits.

1. A building permit is required prior to the erection or basic structural alteration of a building. A certificate of occupancy is required prior to the initial occupancy of any building. The requirements for these permits are delineated in the Oley Township Building Code ordinances [Chapter 5].
2. A driveway permit is required for construction of a new driveway or major repair of an existing one. The requirements for a driveway permit are delineated in the Oley Township Driveway Ordinance [Chapter 21].

(Ord. 240, 6/24/1992, §1602)

§27-1604. Zoning Permit.

A zoning permit shall be required prior to the initiation to a use on a property, prior to the change in use of a building or land, prior to a change in occupancy of any building used for nonresidential purposes, and prior to the change or extension of a nonconforming use. In the case where a building permit is required for a structure under the Oley Township Building Code Ordinance [Chapter 5], the issuance of a building permit shall also constitute the issuance of a zoning permit.

(Ord. 240, 6/24/1992, §1603; as amended by Ord. 261, 7/10/1995, §6)

§27-1605. Temporary Use Permit.

A temporary use permit may be authorized by the Board of Township Supervisors for a nonconforming structure or use which it deems necessary to the public health, safety or general welfare of the Township. Each permit shall be issued with the understanding that any such use shall be removed promptly at the termination of the period authorized without cost to the Township.

(Ord. 240, 6/24/1992, §1605)

§27-1606. Sign Permits.

1. **Scope.** No sign other than a sign indicating the name, profession or activity of the occupancy of a dwelling or the private nature of premises or a sign any one side of which does not exceed 12 square feet in area shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes.
2. **Application Procedure.** Applications shall be made in writing to the Zoning Officer on a form specified for such purpose and shall contain the following:
 - A. At the discretion of the Zoning Officer a detailed scale drawing of the sign showing its intended location and stating the method by which it will be affixed.
 - B. A statement indicating the type of construction and the manner of installation and the materials to be used.
 - C. **The Signature of the Applicant.** When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.
 - D. A statement that the sign will be erected according to the accompanying plans and specifications.
3. **Free Standing Signs.** If a sign is to be supported by a separate structure erected for that purpose, then the applicant shall furnish a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached when required by the Zoning Officer.
4. **Review Procedure.** Permits shall be granted or denied within 10 calendar days from the date of application. All approved permits together with the accompanying information shall be a public record. A certificate of use and occupancy shall be required for all permanent signs.

5. **Denial.** No sign permit shall be granted unless the application conforms to all requirements of this Chapter and any other ordinances of the Township pertaining thereto. If the application is denied, the Zoning Officer shall attach a statement to the application explaining the reasons thereof and informing the applicant of his rights of appeal to the Zoning Hearing Board.
6. **Duration of Permit.** All sign permits granted shall remain valid for a period of 6 months. If, by the expiration of such time, the applicant has failed to erect the sign, or undertaken a significant portion of the work thereof, the permit shall expire and a new sign permit shall be required.

(Ord. 240, 6/24/1992, §1605)

§27-1607. Time Limitations for Permits.

Each permit issued by the Township shall have a specified expiration date. The time limit for each type of permit shall be contained in a resolution adopted by the Township Supervisors.

(Ord. 240, 6/24/1992, §1607)

§27-1608. Permit Application.

1. Application for all permits shall be made in writing to the Zoning Officer on such forms as maybe furnished by the Township. The application for all zoning permit shall contain all the information necessary to enable the Zoning Officer to ascertain whether the proposed building or use complies with the provisions of this Chapter. The Zoning Officer is hereby directed to consult with the Township Engineer on engineering questions relating to his duties.
2. Permits shall be granted ore refused within 10 days after the written application has been filed with the Zoning Officer. All applications with accompanying plans and documents shall become a public record.

(Ord. 240, 6/24/1992, §1606)

§27-1609. Fees.

Fees required in the administration of this Chapter shall be paid in accordance with the provisions of the Building Code ordinances [Chapter 5], or such other chapter or fee resolution as shall be adopted by the Township Supervisors, and shall be paid into the Township Treasury. Each applicant for a permit, appeal, special exception, variance or amendment shall, at the time of making application, pay the requested fee as set forth in the required ordinance or resolution.

(Ord. 240, 6/24/1992, §1608)

PART 17**ZONING HEARING BOARD****§27-1701. Creation and Membership.**

1. **Creation.** There is hereby created a Zoning Hearing Board. As used in this Part, unless expressly indicated otherwise, the term "Board" shall refer to the Zoning Hearing Board.
2. **Membership of Board.**
 - A. The membership of the Board shall consist of three residents of the Township appointed by resolution by the Board of Supervisors. The terms of office of the Board members shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
 - B. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of §27-1702, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to §27-1703 unless designated as a voting alternate member pursuant to §27-1702(2).
 - C. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 240, 6/24/1992, §1700)

§27-1702. Organization of Board.

1. **Election of Officers.** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in §27-1704(4).
2. **Use of Alternate Members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter of case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. **Rules and Forms.** The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

(Ord. 240, 6/24/1992, §1701)

§27-1703. Expenditures for Services.

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as maybe fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as maybe fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to §1702(2), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 240, 6/24/1992, §1702)

§27-1704. Hearings.

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

- A. **Public Notice.** Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. **Fees.** The Board of Supervisors, by resolution, may adopt, from time to time, reasonable fees with respect to hearings before the Board.
- C. **Date of Hearing.** The first hearing shall be commenced within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant, in writing, or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant, may upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application; provided, that the applicant is granted an equal number of additional hearings for rebuttal. *[Ord. 296]*
- D. **Conduction of Hearings.** The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final. *[Ord. 296]*
- E. **Parties to the Hearing.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- F. **Powers of the Chairman of the Board.** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witness and the production of relevant documents and papers, including witness and document requested by the parties.
- G. **Representation by Counsel.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. **Rules of Evidence.** Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. **Stenographic Record.** The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- J. **Communication to Board.** The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. **Written Decision.** The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any chapter, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board

fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in §27-1703(1). If the Board shall fail to provide such notice the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

(Ord. 240, 6/24/1992, §1703; as amended by Ord. 296, 6/10/2002, §§1,2)

§27-1705. Jurisdiction.

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

- A. **Challenges to any Land Use Ordinance.** Substantive challenges to a validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §27-1805 of this Chapter.
- B. **Challenges to the Enactment or Adoption of Any Land Use Ordinance.** Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. **Appeals Concerning the Issuance of Permits and Orders.** Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- D. **Appeals Concerning the Administration of this Chapter and Floodplain Management Ordinance of Oley Township.** Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of the Floodplain Management Ordinance [Chapter 8] of Oley.
- E. **Variances.** Applications for variances from the terms of this Chapter and Floodplain Management Ordinance [Chapter 8] or such provisions within a land use ordinance, pursuant to §1707(1).
- F. **Special Exceptions.** Applications for special exceptions under this Chapter or Floodplain Ordinance [Chapter 8] or such provisions within a land use ordinance, pursuant to §27-1707(2).
- G. **Appeals Concerning Performance Density.** Appeals from the determination of any officer or agency charged with the administration of any performance density provision of this Chapter.
- H. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code as amended.
- I. **Appeals Concerning Sedimentation and Erosion Control and Stormwater Management.**
 - (1) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Parts 4 through 16 applications.
 - (2) In exercising any of the above-mentioned functions, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination including any order requiring an alleged violator to stop, cease and desist or discontinue and may make such order, requirement, decision or determination, including a stop order or orders to cease and desist as ought to be made.

(Ord. 240, 6/24/1992, §1704)

§27-1706. Judicial Remedies.

Nothing contained in this Section shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

(Ord. 240, 6/24/1992, §1705)

§27-1707. Functions.**1. Variances.**

- A. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. The person applying for a variance shall introduce evidence at the hearing which will allow the Zoning Hearing Board to make the aforementioned determinations.
- C. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

- D. Application for variances from the requirements of this Chapter shall be made in writing to the Board on a form specified for such purpose and shall be accompanied by the required filing fee and shall contain a plan or drawing of the property and the information required for a building permit, together with statements the requirements of §27-1708(2) below.
- E. If a building permit has been requested, the approved variance with any conditions imposed by the Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Board shall be forwarded to the Zoning Officer.

2. **Special Exception.**

- A. Where the Board of Supervisors, in this Chapter, has permitted special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- B. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.
- C. No special exception shall be granted unless the Zoning Hearing Board shall determine that:
 - (1) The proposed use does not impair the achievement of the Comprehensive Plan.
 - (2) The surrounding streets are sufficient to handle any expected increase in traffic generated by the proposed use.
 - (3) The proposed use will not adversely affect the public health, safety or general welfare.
 - (4) The required area, yard and bulk requirements and all other requirements of the applicable Zoning District are met.
 - (5) All requirements of Part 14, General Regulations, of this Chapter, are met.
 - (6) The proposed use is not incompatible with existing traffic conditions and the use of adjacent land.
 - (7) Services and utilities are available to adequately service the proposed use.

(8) That the proposed change will not have an adverse effect upon the logical and economic extension of public services and facilities, such as public water, sewer, police and fire protection and public schools.

D. Applications for those uses permitted by special exception in a particular Zoning District shall be made in writing to the Board on a form specified for such purpose, shall be accompanied by the required filing fee and shall contain a plan or drawing of the property and the information required for a building permit.

(Ord. 240, 6/24/1992, §1706)

§27-1708. Appeals.

1. **Parties Appellant Before the Board.** Appeals from an action of the Zoning Officer or Municipal Engineer or challenges to this Chapter and the Zoning Map under §§27-1705 through 27-1705(4) and 27-1705(7), 27-1705(8) and 27-1705(9) may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance or special exception may be filed with the Board by any landowner, equitable owner, or any tenant with the permission of such landowner.

2. **Time Limitations.**

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

B. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or the Zoning Map pursuant of §916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

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

3. **Stay of Proceedings.** Upon filing of any proceeding referred to in §27-1707(1) and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
4. **Appeals to Court.** Appeals to court shall be in accordance with the procedures established in Article X of the Pennsylvania Municipalities Planning Code as amended. Appeals to court shall be taken to the Court of Common Pleas of Berks County.
5. **Validity of Chapter and Procedural Questions.** Questions of an alleged defect in the process of enactment or adoption of this Chapter or the Zoning Map shall be raised by an appeal taken directly from the action of the Board of Supervisors to the Common Pleas Court of Berks County filed not later than 30 days from the effective date of the Chapter or the Zoning Map.
6. **Validity of Chapter - Substantive Questions.**
 - A. **Landowner Appeals.** A landowner who, on substantive grounds, desires to challenge the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the Zoning Hearing Board for a report thereon or to the Board of Supervisors together with a request for a curative amendment.
 - B. **Appeals by Persons Aggrieved.** Persons aggrieved by a use or development permitted on the land of another by this Chapter or the Zoning Map or any provision thereof who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon.
 - C. The submission referred to in subsections (A) and (B) above shall be governed by the provisions of, §916. 1(c) of Pennsylvania Municipalities Planning Code as amended.

- D. The Zoning Hearing Board or Board of Supervisors, as the case maybe, shall commence its hearing within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
- (1) The Zoning Hearing Board or Board of Supervisors as the case may be, fails to commence the hearing within the time limits set forth in §27-1707(6)(d).
 - (2) The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
 - (3) The Board of Supervisors adopt another curative amendment which is unacceptable to the landowner.
 - (4) The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Township.
- G. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Township Supervisors pursuant to §909.1(b)(4) of the Pennsylvania Municipalities Planning Code or a validity challenge is sustained by the Zoning Hearing Board pursuant to §27-1705(A) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have 2 years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Pennsylvania Municipalities Planning Code. Within the 2 year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinances or plan shall be appealed in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the Pennsylvania Municipalities Planning Code, §508(4) shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance [Chapter 22], the developer shall have 1 year within which to file for a building permit. Within the 1 year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinances or plan shall be applied in any manner which adversely

affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

(Ord. 240, 6/24/2992, §1707)

PART 18
AMENDMENTS

§27-1801. Powers.

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

(Ord. 240, 6/24/1992, §1800)

§27-1802. Definitions.

The words “amend”, “amendment”, “amendments”, or “amended” in this Chapter shall be deemed to include any modification of the text or eliminations of any provisions or amendments thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the Chapter or to an “amendment” thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any part of such map, and, in addition to such map, any new map or maps or any other change in the maps or any map.

(Ord. 240, 6/24/1992, §1801)

§27-1803. Initiation of Amendments.

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

- A. **Proposals Initiated by the Board of Supervisors.** The Board of Supervisors shall refer every proposed amendment, supplement, change, modification or repeal originated by them to the Township Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Planning Commission's recommendations, including any additions or modifications to the original proposal.
- B. **Proposals Originated by the Township Planning Commissions.** The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Chapter.

- C. **Proposals Originated by One or More Land Owners.** The Board of Supervisors shall refer every proposed amendment, supplement, change modification or repeal originated by any one or more land owners to the Township Planning Commission at least 30 days prior to hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations to the Board of Supervisors.

(Ord. 240, 6/24/1992, §1802)

§27-1804. Hearings.

1. **Voting on the Enactment of an Amendment.** Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. No such amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held on an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
2. **Public Notice and Publication.** Public notice, publication and advertisement of zoning ordinance amendments shall be in accordance with §609 of the Pennsylvania Municipalities Planning Code, as amended, and as set forth in the definition of "public notice" in §27-202 of this Chapter. *[Ord. 296]*
3. **Hearing Ban.** No public hearing by the Board of Supervisors shall be held prior to or during the 30 day period in which the Township Planning Commission has been directed to review and report its recommendations to the Board of Supervisors.
4. **County Planning Commission Review.** At least 30 days prior to the public hearing on the proposed amendment, the Board of Supervisors shall submit the amendment to the County Planning Commission for review and recommendations.

(Ord. 240, 6/24/1992, §1803; as amended by Ord. 296, 6/10/2002, §3)

§27-1805. Landowner Curative Amendments.

1. **Challenge on Substantive Grounds.** A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §27-1805(2). The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in §27-1805(2). The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in §§27-1803(3) and 27-1804(4) and

public notice of the hearing thereon shall be given as provided in §27-1804(2) above.

2. **Conduct of Hearing.** A landowner curative amendment submitted to the Board of Supervisors shall be considered in accordance with the provisions and procedures set forth in §§609.1 and 908 of the Pennsylvania Municipalities Planning Code, as amended. *[Ord. 296]*
3. **Impact Statements.** When the Board of Supervisors determine that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the challenge defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the sources to development and any adverse environmental impacts.
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 240, 6/24/1992, §1804; as amended by Ord. 296, 6/10/2002, §4)

§27-1806. Township Curative Amendment.

1. **Declare This Chapter Invalid.** The Board of Supervisors may declare by formal action, this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Board of Supervisors shall:

- A. By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
- (1) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (2) Reference to a class of use or uses which require revision.
 - (3) Reference to the entire chapter which requires revisions.
- B. Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. **Curative Amendment Time Limitation.** Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions required by §§27-1803 and 27-1804 in order to cure the declared invalidity of this Chapter.
3. **Ban on Landowners Curative Amendment.** Upon the initiation of the procedures, as set forth in §27-1806(1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §27-1805 nor shall the Zoning Hearing Board be required to give a report requested under §27-1705 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by §27-1806(1). Upon completion of the procedures as set forth in §§1806(1) and (2), no rights to a cure pursuant to the provisions of §27-1805(1) and §27-1705 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Chapter for which there has been a curative amendment pursuant to this Section.
4. **Utilization of Curative Amendment Procedures.** The Board of Supervisors having utilized the procedures as set forth in §1806(1) and (2) may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Chapter, pursuant to §27-1806(2); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the township may utilize the provisions of this section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 240, 6/24/1992, §1805)

PART 19
ENFORCEMENT

§27-1901. Violations.

1. **Scopes.**

- A. It shall be a violation of this Chapter to fail to secure any permit required by this Chapter. It shall also be a violation of this Chapter to fail to make proper payment when required or to undertake other deliberate actions which are contrary to the terms of this Chapter.
- B. It shall be a violation of this Chapter to continue work or to use a building, land, structure or other facilities after being subject to an Enforcement Notice under §1601(3)(I) of this Chapter.

2. **Complaints.**

- A. Whenever a violation of this Chapter occurs, or is alleged to have occurred, the Board of Supervisors, or with their approval, an officer of the Township, or any aggrieved owner or enact of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may file a written complaint or may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Chapter.
- B. Any such written complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Officer, who shall properly record such complaint, make an immediate investigation, and take action thereon as provided by this Chapter and §617 of the Pennsylvania Municipalities Planning Code, as amended.

3. **Enforcement Notices.** If it appears to the Township that a violation of this Chapter has occurred, the Township or its Zoning Officer may initiate an enforcement proceeding by sending an enforcement notice as referenced in §27-1601(3)(I) of this Chapter.

4. **Legal Action.** If the notice of violation issued by the zoning officer is not complied with within the time set within the enforcement notice, either by corrective action or the filing of an appeal, the Zoning Officer shall notify the Board of Supervisors which shall request the Township Solicitor to initiate such appropriate action or proceedings at law or in equity to restrain, remedy or abate such violation. Nothing contained herein shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

5. **Postings.** The Township shall have the authority to post appropriate signs on the property stating that work undertaken is in violation of this Chapter and that any contractor or subcontractor, or any person with an identifiable property interest, shall be subject to the penalties of this Chapter.

(Ord. 240, 6/24/1992, §1901)

§27-1902. Enforcement Remedies.

1. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall upon being found liable thereof in a civil enforcement proceeding commenced by the township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determinates that there was a good faith basis of the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over the Township.
- B. The court of common pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 240, 6/24/1992, §1901; as amended by Ord. 311, 6/14/2004, §1)

APPENDIX A
ZONING MAP AMENDMENTS

Ordinance	Date	Description
255	05/09/1994	<p>In the area of the Village of Spangsville to be changed from RA – Residence District to HV – Historic Village District.</p> <p>In the area of the Village of Yellow House to be changed from AP – Agricultural Preservation to RUV – Rural Village District.</p> <p>A tract consisting of approximately 26 acres west of Covered Bridge Road to be changed from RA – Residence District to AP – Agricultural Preservation.</p> <p>A tract consisting of approximately 28.2 acres located west of Route 662 to be changed from AP – Agricultural Preservation to I – Industrial.</p> <p>Certain tracts shown in combination with Area 4 to be changed from I – Industrial to AP – Agricultural Preservation.</p>
283	03/13/2000	<p>An area located on the southwest corner of SR0073 and DeTurk Road and bounded on the south by the sewer main of the Oley Township Municipal Authority and consisting of approximately 25 acres to be changed from LB – Local Business to LIB – Light Industrial Business.</p> <p>An area bounded on the south by Historic Lane and on the north by the sewer main of the Oley Township Municipal Authority and consisting of approximately 7 acres to be changed from LB – Local Business District to RU – Rural District.</p>
297	06/18/2002	<p>AP District addition (Northern portion RU – Rural to AP – Agricultural Preservation)</p> <p>AP District additions (Western portion RU – Rural to AP – Agricultural Preservation)</p> <p>AP District addition (Northern portion RA – Residential to AP – Agricultural Preservation)</p>

AP District addition (Northern portion LB – Local Business to AP – Agricultural Preservation)

AP District addition (Northern portion RA – Residential to LB – Local Business)

323	02/08/2006	An area located on both the easterly and westerly sides of SR 2023, known as Friedensburg Road, and on both the northerly and southerly sides of Township Road (T-569), known as Reiff Road, consisting of approximately 190.679 acres, to be changed from the AP – Agricultural Preservation District to a new Zoning District to be known as Age Qualified Residential Community District
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