



# **EXETER TOWNSHIP ZONING ORDINANCE**

**As last amended  
December 23, 2013**



# ZONING

## Article I

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**Article I**  
**Title, Interpretation and Application**

**§ 390-1. Title.**

This Chapter shall be known as and may be cited as "The Exeter Township Zoning Ordinance of 2013".

**§ 390-2. Purpose.**

- A. This Chapter is enacted to implement the Exeter Township Comprehensive Plan and to promote the public health and safety and the general welfare of the residents and occupants of the Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population, providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities; encouraging the harmonious and orderly development of land; lessening congestion of the roads and highways; and providing minimum standards applicable thereto which may from time to time be supplemented and/or amended as provided by law.
- B. This Chapter is enacted in accordance with the Community Development Objectives as set forth in the Joint Comprehensive Plan for Amity Township, Exeter Township and St. Lawrence Borough dated October 2005. Those Objectives are incorporated herein by reference.

**§ 390-3. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Chapter impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Chapter shall govern. Where the provisions of any other Township statute, ordinance or regulations impose greater restrictions than this Chapter, the provisions of such other Township statute, ordinance or regulation shall govern unless otherwise stated in this Chapter.

**§ 390-4. Applicability.**

Except as hereinafter provided, no building, structure, land or parts thereof in Exeter Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed or structurally altered unless in conformity with the provisions of this Chapter. Buildings, structures, land and uses owned or occupied by the Township as defined in this Ordinance are not subject to the regulations of this Ordinance regarding area, yard, height, building coverage or lot coverage, and are likewise not subject to the regulations set forth herein regarding permitting and approvals. The use of land by the Township is not subject to the regulations of this Ordinance.

## **Article II Definitions**

### **§ 390-5. Word usage.**

For the purpose of this Chapter, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association" or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for" or "occupied for".

### **§ 390-6. Terms defined.**

As used in this chapter, the following terms shall have the meanings indicated.

**ACCESSORY BUILDING** - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building (see §§ 390-29 and 30).

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

**ACRE** – 43,560 square feet.

**ADAPTIVE REUSE** – the process of adapting existing historic structures for new purposes, including preserving buildings of historical significance while retaining the architectural details and features that make them unique.

**ADULT BOOKSTORE** - a commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs or other materials which are distinguished or characterized by their emphasis on matters depicting, describing or related to “Specified Sexual Activities”, or “Specified Anatomical Areas”.

**ADULT MOTION PICTURE THEATER** - a building or establishment used in whole or in part for presenting motion pictures, distinguished or characterized by an emphasis on matters depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons, i.e. paying customers, therein.

**ADVERTISING SIGN** - A sign, including freestanding signs such as billboards, which directs attention to a business, commodity, service or entertainment, conducted, sold, or offered elsewhere than upon the premises where the sign is displayed.

**AGRICULTURE** - (a) the cultivation of the soil and the raising and harvesting of the products of the soil, including plant nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming and dairy farming, excluding kennels.

**AGRICULTURE (INTENSIVE)** – Specialized agricultural activities, including but not limited to mushroom production, certain concentrated animal feeding operations (CAFO), and certain concentrated animal operations (CAO), which due to the intensity of the production necessitate special

control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. The Specific thresholds for an operation to be considered an Intensive Agriculture are contained in § 390-32B.

**AGRICULTURE OPERATION** – an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua\_cultural crops and commodities. The term include an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURE, PASSIVE** - The cultivation of the soil and the raising and harvesting of the products of the soil, including plant nursery and horticulture, but excluding forestry. Such uses shall not be permitted within seventy-five (75) feet of any property line. Passive Agricultural uses shall not include the raising of livestock or other animals. The sale of produce shall not be permitted on the premises of the passive agricultural use, except to extent that the same is permitted as an accessory use (as a roadside stand for the sale of farm products grown on the premises) in the applicable Zoning District and subject to compliance with Section 390-32(A)(8).

**AGRICULTURE, SIGNS** - a sign advertising the sale of farm products, including edible farm products, plant nursery products, or livestock produced or raised on the premises. Agricultural Signs shall also include those signs that indicated a landowner’s membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant.

**ALLEY** – see “Service Street (Alley).”

**ALTERATION, STRUCTURAL** - any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

**AMUSEMENT PARK** – a recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

**ANIMAL EQUIVALENT UNIT (AEU)** – An animal equivalent unit (AEU) is 1,000 pounds of live weight of livestock or poultry animals based upon the following standard animal weights:

<b>Standard weight (lb)</b> <b>Type of animal during production (range)</b>	<b>Standard weight (lb)</b> <b>Type of animal during production (range)</b>
<b>Swine</b> Nursery pig 30 (15–45) Finishing pig 145 (45–245) Gestating sow 400 Sow and litter 470 Boar 450 <b>Beef</b> Calf: 0–8 mo. 300 (100–500) Finishing: 8–24 mo. 850 (500–1,200) Cow 1,150 <b>Veal</b>	<b>Dairy</b> <i>Holstein/Brown Swiss</i> Cow 1,300 Heifer: 1–2 yr. 900 (650–1,150) Calf: 0–1 yr. 375 (100–650) Bull 1,500 <i>Ayrshire/Guernsey</i> Cow 1,100 Heifer: 1–2 yr. 800 (575–1,025) Calf: 0–1 yr. 338 (100–575) Bull 1,250

<b>Standard weight (lb)</b> <b>Type of animal during production (range)</b>	<b>Standard weight (lb)</b> <b>Type of animal during production (range)</b>
Calf: 0–16 wk. 250 (100–400) <b>Poultry</b> Layer: 18–65 wk. 3.25 (2.75–3.76) Layer: 18–105 wk. 3.48 weighted avg. Layer, brown egg: 20–65 wk. 4.3 (3.6–5) Layer, brown egg: 20–105 wk. 4.63 weighted avg. Pullet: 0–18 wk. 1.42 (0.08–2.75) Broiler, large: 0–57 days 3.0 (0.09–5.9) Broiler, medium: 0–43 days 2.3 (0.090–4.5) Roaster 3.54 (0.09–7) Male: 0–8 wk. Female: 0–10 wk. Turkey, tom: 0–18 wk. 14.1 (0.12–28) Turkey, hen: 0–14 wk. 7.1 (0.12–14) Duck: 0–43 days 3.56 (0.11–7) Guinea: 0–14 to 24 wk. 1.9 (0.06–3.75) Pheasant: 0–13 to 43 wk. 1.53 (0.05–3) Chukar: 0–13 to 43 wk. 0.52 (0.04–1) Quail: 0–13 to 43 wk. 0.26 (0.02–0.5)	<i>Jersey</i> Cow 900 Heifer: 1–2 yr. 600 (400–800) Calf: 0–1 yr. 225 (50–400) Bull 1,000 <b>Sheep</b> Lamb: 0–26 wk. 50 (10–90) Ewe 150 Ram 185 <b>Goat</b> Kid: 0–10 mo. 45 (5–85) Doe 125 Buck 170 <b>Horse</b> Foal: 0–6 mo. 325 (125–625) Yearling 750 (625–875) Non-draft breeds: mature 1,000 Draft breeds: mature 1,700

**ANIMAL HUSBANDRY** – The production, control and management of domestic animals, livestock and poultry.

**APARTMENT BUILDING** – A building on a single lot designed for and occupied as a residence for three (3) or more families, and in which the dwelling units may be separated horizontally and/or vertically.

**APARTMENT UNIT** - a dwelling unit within an apartment building.

**APPLICANT** - A landowner(s), developer(s) or authorized agent thereof who has filed an application under this Chapter, including his/her heirs, successors and assigns.

**APPROVED PRIVATE STREET** - a right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision plan.

**AREA OF SIGN** - The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, 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 the surface, the area shall be considered to be the smallest rectangle or other regular geometric figure, which can be drawn to encompass all of the letters and symbols.

**BASEMENT** - any area of a building having its floor below ground level on all sides.

**BED AND BREAKFAST** – a building occupied by a resident innkeeper containing six (6) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast.

**BOARD OF SUPERVISORS** - Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania.

**BOARDING KENNEL** - an establishment wherein domesticated pets are housed for compensation by the day, week or a specified or unspecified time. The term shall not include a kennel necessary for the practice of veterinary medicine if the kennel is covered by the Pennsylvania “Veterinary Medicine Practice Act”; however the term shall include any boarding facility operated by a licensed veterinarian as an accessory use whether or not the facility is on the same premises as a building or structure subject to the provisions of the “Veterinary medicine Practice Act”.

**BOARDING KENNEL (SHORT TERM)** – an establishment available to the general public that, for consideration, takes control of a domesticated pet from the owner for a portion of the day for the purposes of exercise, daycare or entertainment of the pet. This term does not include an establishment engaged solely in pet grooming or training.

**BUFFER STRIP** - a continuous strip of landscaped land, which is clear of all buildings and paved or stoned areas.

**BUILDING** - a structure enclosed within exterior walls or firewalls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

**BUILDING AREA** - the total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

**BUILDING COVERAGE** - the percentage of lot area covered by principal and accessory buildings.

**BUILDING HEIGHT** – the height of a building or structure as calculated by measuring the vertical distance from grade plane\* to the average height of the highest roof structure.

\* Grade plane is defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls; the reference plane shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

**BUILDING LENGTH** - the measurement of a building in one general direction.

**BUILDING SETBACK** - the minimum distance a building or structure must be setback from a street right-of-way line (except the right-of-way of a service street).

**BUILDING SETBACK LINE** - the line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the rights-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line, which abuts the property, and the building setback line shall be parallel to said right-of-way line. A building setback line may be established farther from a street right-of-way line than the minimum building setback established for a zoning district.

**BUILDING SIGN (WALL SIGN or FACADE SIGN)** - A sign posted on, suspended from or otherwise affixed to the wall, facade or vertical surface of a building, which directs attention to business, commodity, or service, conducted, sold or offered on the lot on which the building is located, which sign does not project or extend more than twelve (12) inches horizontally from the wall, facade or vertical surface of the building to which it is affixed. For purposes of building signs, the “Frontage Wall” shall be the exterior wall by which customers principally obtain primary access to the building. The “Other Walls” shall be the exterior walls of a store other than the Frontage Wall. In calculating the permitted size of a Building Sign, all measurements of walls shall be of their linear length rounded up to the nearest foot.

**CABARET** - a club, restaurant, bar, tavern, theater, hall or similar place or establishment which features male and/or female entertainers, including but not limited to topless or bottomless dancers, entertainers, strippers or employees whose performance or activities include, even though not limited to, simulated sex acts, live or actual sex acts, or other “Specified Sexual Activities” and/or reveal or display “Specified Anatomical Areas”.

**CAMPGROUND** - a parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

**CARTWAY** - the portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

**CELLAR** - an area of a building, which is generally below ground level, but not on all sides.

**CERTIFICATE OF USE AND OCCUPANCY** - a statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign and/or land may be lawfully employed for a specific use, as provided in this Chapter.

**CHARTER SCHOOL** – a tax-supported school (K-12 or subset thereof) established by a charter between the state and an outside group which operates the school so as to achieve set goals.

**CHURCH** - a building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational or other uses not normally associated with worship.

**CLUB OR LODGE** - an association of persons for some common non-profit activity, not including groups organized primarily to render a service, which is customarily carried on as a business.

**COGENERATION ELECTRIC POWER PRODUCTION** – An electric power production facility or other facility that uses energy or produces a service as waste disposal that creates or converts to a useable energy, which is intended for sale to the public or for sale back to the electrical distribution system or utility provider.

**COMMERCIAL SCHOOL** - a school for the teaching of a trade or skill, carried on as a business.

**COMMON OPEN SPACE** - a parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. For the purpose of apartment or townhouse developments, common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas unless directly associated with the open space and property lines of the development. No dwelling unit, residential accessory buildings or parking areas may be located within common open spaces (unless directly associated with the open space).

**COMMON PARKING AREA** - a parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

**COMMON WALL** - a wall used or adopted for joint service between two (2) buildings or parts thereof.

**CONDITIONAL USE** - a use that shall only be permitted by the Township Supervisors pursuant to the provisions of this Chapter.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – An animal feeding operation where **250** or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.

**CONCENTRATED ANIMAL OPERATION (CAO)** – An operation owned or managed by a farmer where animal density exceeds two (**2.0**) animal equivalent units (AEU) per acre of land suitable and available for manure application on an annualized basis. The calculation on AEU's per acre involves determining the number of AEU's of production animals on the farm and then adjusting that for the actual number of days (out of 365) that manure is typically produced. To determine the number of AEU's on a farm, the following formula can be used: Total AEU's for each type of animal = [number of animals (average on a typical production day) x animal weight (lb) ÷ 1,000] x [number of production days per year ÷ 365].

**CONTRACTOR SIGN** – a Temporary Sign of a contractor, architect, plumber, electrician, roofer, builder, engineer, and the like.

**CONSTRUCTION SITE** - the total necessary land required for all buildings or uses within a unified development.

**CONVALESCENT HOME** - an establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery or other treatments which are customarily provided in sanitariums and hospitals.

**CONVENTIONAL DEVELOPMENT** – A residential use of land that includes the division of property into building lots based upon the standard provisions within the zoning district for lot area, width, building coverage and minimum yard requirements. This definition does not include open space/conservation development.

**CORNER LOT** - a lot abutting two (2) or more intersecting public or private streets, or a lot situated at the point of abrupt change or direction of a single street (having an interior angle of less than 135 degrees). Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

**CORRECTIONAL FACILITY** – A publicly – or privately-operated facility housing persons (either juvenile or adult) awaiting criminal trial or adjudication, and/or serving a sentence after being found guilty of a criminal offense or being adjudicated delinquent. The term shall include, but not be limited to, jails, prisons, work release centers, pre-release centers, treatment centers and all other similar facilities. The term shall not include a Group Institution or a Group Home.

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

**DENSITY (RESIDENTIAL)** – The number of dwelling units (DU) per unit area including allowance for roadways, and the attendant residential population per unit area.

Low Density: Less than 300 DU/sq.mi (>2 acres/DU)

Medium Density: 300 – 1,250 DU/sq.mi. (0.5 – 2.0 acres/DU)

High Density: 1,250 – 2,000 DU/sq.mi. (0.32 – 0.5 acre/DU)

Very High Density: greater than 2,000 DU/sq.mi. (<14,000 sq.ft./DU; >3.125 DU/acre)

**DIRECTIONAL SIGN** - A sign containing directional information locating public places owned or operated by Federal, State, or Local governments or their agencies; public or privately owned natural phenomena, historical, cultural, scientific, educational and religious sites, and areas of natural scenic beauty or which are naturally suited for outdoor recreation.

**DISTANCE BETWEEN BUILDINGS** - this measurement shall be made at the closest point between the structures.

**DRIVEWAY** - a private road providing access to a garage, house, or other building, and within thirty (30°) degrees of being perpendicular to the public road that it joins. Internal circulation drives shall not be included in the definition of driveways.

**DUAL USE** - two dissimilar uses, specifically a residential use and a commercial use such as a business/professional office, a retail business or a personal/household service establishment, being conducted in a single structure or on a single lot.

**DWELLING** - a building or structure or portion thereof arranged, intended, designed or used as living quarters for one (1) or more families living independently of each other. Buildings such as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling.

- A. **APARTMENT BUILDING** - a building on a single lot arranged, intended or designed to be occupied as dwelling units for three (3) or more families, and in which the dwelling units may be separated horizontally and/or vertically.
- B. **MOBILE HOME/MANUFACTURED HOUSING** - a transportable, single family dwelling unit constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) 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.
- C. **SINGLE FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as a dwelling unit for one family and having no common wall with an adjacent building.
- D. **SINGLE FAMILY SEMI-DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as dwelling units for two families, one family living on each side of an unpierced common wall.
- E. **TOWNHOUSE** - a building arranged, intended or designed to be occupied exclusively as a dwelling unit for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least one separate entrance from the outside.
- F. **TWO FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as dwelling units for two families, with one family living wholly or partly over the other and with no common wall with an adjacent building.

**DWELLING UNIT** - a building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit and excluding any garages or garage area. A dwelling unit may have multiple bathrooms, but no more than one kitchen.

**DWELLING UNIT FOR THE ELDERLY** - a dwelling unit in which at least one resident shall be at least 55 years of age.

**EDUCATIONAL USE** - Land and/or buildings specifically designed, arranged and intended for the primary purpose of educational instruction and learning, including preschools, elementary and secondary schools, whether private or public, including schools relating to religious organizations and vocational schools.

**ELECTRIC POWER PRODUCTION** – Any facility or installation or improvements designed and intended to produce energy from any source for on-site and/or off-site use.

**ELECTRONIC SIGN** - An “electronic sign” is defined as a sign capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment or communication. An “off-premises” electronic sign shall be defined as a sign that directs attention to a business, commodity, service, entertainment, institution or other use which is offered at a location other than upon the premises on which the sign is located. An “on-premises” electronic sign is a sign that directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on the same premises where the sign is located.

**ENERGY SYSTEM** – Equipment and devices utilized to store, convert, process or transmit a natural source of energy (solar, wind, surface water, ground water, geothermal, and other similar sources) into a primary or alternative energy supply source, which provides service to a permitted use on an approved lot.

**ESTATE LOT** – a large, privately-owned lot comprising all or part of an area of open land. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while keeping the land under private ownership and maintenance. It may also be used to preserve an existing building or buildings of historic importance. Only a small portion of the estate lot may be developed; the remainder may be farmed or left in its natural state. Public access to estate lots is not required.

**FAMILY -**

- A. One or more persons, related by blood, marriage, adoption or guardianship, 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 three unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

**FARM** - an area of land used for agriculture, as defined in this Section.

**FARMERS MARKET** – a retail establishment at which Crafts, fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, plants and related agricultural products are sold in an open air setting by those farmers who grow, harvest and process such items from their farm or agriculture operation.

- A. **Crafts** – All handcrafted, handmade, antique or collectible articles, not otherwise listed under “Permitted Items for Sale”.
- B. **Crafts Approved for Sale** – Crafts may be sold provided the vendor of such Crafts is a member of a juried craftsmen’s organization. If the vendor wishing to sell Crafts is not a member of a juried craftsmen’s organization, said vendor must present several items, similar in kind, quality and value to those said vendor wishes to sell, to the Quality control Committee for final approval for sale at the Market. The Committee will evaluate the submitted crafts and issue a decision to the vendor within forty-eight (48) hours.
- C. **Market** – Exeter Farmer’s Market Association, Inc. or EFMA.
- D. **Permitted Items For Sale** – Items permitted for sale shall include, but not

necessarily be limited to, all types of grown or produced items, including fruits, vegetables, plants, herbs, cut flowers, baked goods (only if made by vendor, including on premises, and not made by another source), preserves (such as jams, jellies, sauces, canned goods and the like made by the licensed vendor only and not made by another source), honey, cider and juice (only permitted if pressed/extracted by the licensed vendor and not made by another source), meat, animal products, confections, coffee, foraged foods, fish, seafood, fowl, wine and limited prepared foods.

E. **Quality Control Committee** – A committee of three (3) individuals comprised of individuals who are the Market’s directors and/or approved Market vendors. At least two (2) individuals on the Quality Control Committee shall be Market directors. No Quality Control Committee may be established where the majority of said Committee is approved vendors. The decision of the majority of the Committee shall be final.

**FLAG LOT** - any lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of this Zoning Ordinance. Flag lots shall not be permitted.

**FLEA MARKET:** an open-air market for secondhand articles and antiques.

**FLOOR AREA** - (Gross Floor Area) the sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls; includes basement space, atria (open or roofed) and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports and accessory buildings; also included are all cellar/basement and attic areas that have floor surfaces with clear standing headroom (6 feet 6 inches minimum or prevailing code) regardless of use.

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

**FREE-STANDING SIGN** - An independently supported sign, not attached to any building. The term “freestanding sign” shall include billboards. For the purposes of this Chapter, a V-type sign and a back-to-back sign arrangement shall constitute two (2) separate signs. Further, for the purposes of this Chapter, an “off-premises” free-standing sign shall be defined as a sign that directs attention to a business, commodity, service, entertainment, institution or other use which is offered at a location other than upon the premises on which the sign is located. An “on-premises” sign is a sign that directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on the same premises where the sign is located.

**FRONTAGE (STREET FRONTAGE)** - The lot width measured along the right-of-way line of any street or highway abutting a lot.

**GOVERNMENTAL SIGNS** – All signs erected by a governmental body, or under the direction of such a body, such as safety signs, signs identifying public schools and playgrounds, excepting

Identification Signs for schools or educational institutions, and also excepting Traffic Control Signs.

**GRADE** - the level of the ground adjacent to the exterior walls of a building or structure, or adjacent to the base of a sign.

**GROUP HOME** - A building constituting a single housekeeping unit of not fewer than four (4) and not more than fourteen (14) persons with Handicaps, not necessarily related by blood, marriage, adoption or legal guardianship. All group homes shall be licensed and regulated by the Pennsylvania Department of Public Welfare (“DPW”). Facilities which house persons who pose a direct physical threat to the community shall not be deemed a “group home” under the provisions of this Ordinance, noting that such persons include, but are not necessarily limited to, individuals who have violent behavioral disorders or who have been convicted or adjudicated delinquent for violent offenses. The following facilities also do not constitute group homes under this Ordinance: a Group Institution, a Correctional Facility, an alcohol or drug treatment facility, a half way house for adults, a work release facility for individuals convicted of a crime, a facility providing housing to sexual offenders, or any such similar facility.

**GROUP INSTITUTION** - A building constituting a household of not more than fourteen (14) persons, not necessarily related by blood, marriage, adoption or legal guardianship. All group institutions shall be licensed and regulated by the Pennsylvania Department of Public Welfare (“DPW”) and accredited by an authorized third party agency such as the Joint Commission (formerly the Joint Commission on Accreditation on Healthcare Organizations (JCAHO)). Group Institutions shall include those facilities that serve as a Court-mandated alternative to incarceration, as well as those facilities that provide housing to juvenile adjudicated delinquent of non-violent offenses. Group Institutions shall not provide housing for individuals who have violent behavioral disorders or who have been convicted or adjudicated delinquent for violent offenses. , The following facilities also do not constitute group institutions under this Ordinance: an alcohol or drug treatment facility, a halfway house for adults, a work release facility for individuals convicted of a crime, a facility providing housing to sexual offenders, or a secured care facility, secure detention or secure treatment center (such as where the residents have been convicted or adjudicated for violent offenses). Group Institutions shall not provide, nor be licensed to provide, treatment for adjudicated sex offenders, fire setters, murderers, kidnapers, armed robbers or juveniles diagnosed with violent psychiatric disorders.

**GROSS FLOOR AREA** – see “Floor Area.”

**GROSS LEASABLE AREA** – The Gross Leasable Area of commercial buildings shall equal the sum of the gross horizontal areas of every floor of a building measured to the interior faces of exterior walls and to the interior face of party walls; to the extent other areas are used for selling goods and/or services to the general public, and are open for use by the general public on a regular basis and are fully enclosed (with or without a roof), then the calculation shall include basement space, atria, mezzanines, upper floors and space that is external to the outside wall faces that is used for sales such as, but not limited to, garden centers.

**HANDICAP** – with respect to a person, a physical or mental impairment which substantially limits one or more major life activities or having a record of such an impairment or being regarded as having such an impairment. The Zoning Hearing Board shall interpret this term consistent with its meaning as provided in the Fair Housing Amendments Act and the applicable provisions of the Code of Federal Regulations set forth thereunder.

**HAZARDOUS WASTE** - Garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:

- A. Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**HEIGHT OF SIGN** - The vertical distance measured from the grade of the cartway nearest to the sign to its highest point of the sign. The highest point in the case of a sign shall include the supporting structure.

**HIGHWAY ACCESS POINT** - a place of egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the termination of one such point to the beginning of another such point.

**HIGHWAY FRONTAGE** - the lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

**HISTORICAL MARKER SIGN** - A “historical marker sign” is defined as a sign which designates a historic structure located on the premises on which the sign is located.

**HISTORIC STRUCTURE** - A “historic structure” is defined as any structure that is: a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or d) Individually recognized by the Exeter Township Board of Supervisors as a structure with local historic character, contributing to the historic significance of the Township.

**HOME OCCUPATION** - an occupation customarily conducted within a dwelling unit and as indicated within the home occupation regulations of this Chapter excluding Bed and Breakfast.

**HOME OFFICE** - a room in the dwelling unit that may contain a desk, computer, possibly with modem, fax machine, copy machine, telephone, answering machine where appointments are made, supplies are ordered, etc.

**HOSPITAL** – An institution designed for the prevention, diagnosis, intervention, treatment, rehabilitation and care of human injury, illness, pregnancy or infirmity and providing health services which shall include acute and surgical care facilities and which may include, as related facilities, wellness facilities, laboratories, x-ray services, clinical treatment and therapy services, outpatient service

facilities and departments, pharmacy and hospice services, training facilities, and offices used primarily for the private or group practice by staff health care practitioners.

**HOTEL** - a building or group of buildings containing seven (7) or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

**HOUSEHOLD HAZARDOUS WASTE** -A waste that would be considered hazardous under the Pennsylvania Solid Waste Act, but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under the act and is generated by persons not otherwise covered as hazardous waste generators by that act.

**IDENTIFICATION SIGN** - An "identification sign" is defined as a freestanding sign that displays the name, address, and number of a building, institution or person being limited to the activity/service carried out in the building, institution or the occupancy of the person on the premises on which the sign is located (being only an on-premises sign). Identification Signs shall include: bulletin or announcement boards for schools, churches, clubs, lodges, or similar uses; signs identifying the name of a subdivision; and signs identifying the name of a multi-family dwelling (such as garden apartments, townhouses, and PRDs).

**IMPERVIOUS** – A surface, such as a building or paved area, that is not easily penetrated by water, with a runoff coefficient of 0.8 or greater. In addition, areas covered by gravel or stone that are intended for vehicular movement or parking shall be considered to be impervious for the purpose of this Chapter.

**IMPROVEMENT** - any type of structure or paved section, excluding improvements necessary for entrance or exit driveways, curb, sidewalk, planting strip or barrier to unchanneled motor vehicle entrance or exit.

**IMPROVEMENT SETBACK** - the minimum distance an improvement must be set back from a street right-of-way line.

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

**INCIDENTAL SIGN** - A small sign, emblem or decal less than eight (8) 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.

**INSTITUTIONAL USE** - A building, structure or use that involves the housing of more than five (5) individuals that are not related, in a building, structure or use regulated as an institutional use under the Uniform Building Code or any Pennsylvania State health, welfare or safety act, statute or code classifying such home, structure, building or use as an institutional use for purposes of health, safety or welfare regulation, permitting or classification of the use or structure.

**JUNK YARD** - a lot, land or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage and/or sale of scrap or discarded material, including but not limited to scrap metal,

scrapped, abandoned or junked motor vehicles, machinery, equipment, glass and containers, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

**KENNEL** - a commercial establishment wherein domesticated pets are kept for breeding, boarding, sale or show purposes. [also see Boarding Kennel and Boarding Kennel (short term)]

**LAND DEVELOPMENT** - any man-made change to improved or unimproved land including the improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulative, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
- B. The division or allocation of land and/or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features;
- C. A subdivision of land.

**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** - The area contained within the property lines of a lot excluding space within all street rights-of-way.

**LOT COVERAGE** - the percentage of a lot covered by principal and accessory buildings.

**LOT LINE** - a line forming the front, rear or side boundary of a lot.

- A. **FRONT LOT LINE** - the line separating a lot from a street. The front lot line is also the street line.
- B. **REAR LOT LINE** - the lot line that is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet (10) long.

**LOT OF RECORD** - a lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

**LOT WIDTH** – The distance between side lot lines when measured at (a) the street line, the minimum lot width shall be provided contiguous along the street line of one street, and (b) the minimum building setback line, the minimum lot width shall be provided contiguous along the minimum building setback line established from one street. In the case of a corner lot, the minimum lot width must be provided along the street line and minimum building setback line established from one street only.

**MASSAGE** - any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is

reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

**MASSAGE PARLOR** - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty shops in which massages are administered only to the scalp, face, neck or the shoulders. In addition, this definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a non-profit organization operating a community center, a swimming pool, tennis court, or other educational, cultural, recreational or athletic facilities and facilities for the welfare of the residents of the area.

**MEDIATION** - a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MEMORIAL SIGN** - A “memorial sign” is defined as a sign that is directly affixed to a building or structure and identifies the date of the erection thereof.

**MOBILE HOME LOT** - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

**MUNICIPAL USE** – Use by Exeter Township, Berks County, Pennsylvania.

**MUNICIPALITY** - Exeter Township, Berks County, Pennsylvania.

**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 neither customer, client, or patient traffic, nor pickup, delivery, or removal functions, in excess of those normally associated with residential use. The activity must further satisfy specified requirements.

**NON-CONFORMING SIGN** - A sign which does not conform to the requirements of this Chapter or subsequent amendments hereto, but which lawfully existed prior to the enactment of this Chapter.

**NON-CONFORMING STRUCTURE OR BUILDING** – a structure or building, or part thereof, which does not meet the applicable provisions or requirements of the zoning district in which it is located, either at the time of enactment of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to non-conforming signs.

**NON-CONFORMING USE** – The use, whether of land or of structure, which does not meet the applicable provisions or requirements of the zoning district in which it is located, either at the time of enactment of the Zoning Ordinance or amendment heretofore or hereafter enacted, but which did not violate any applicable use regulations prior to the enactment of such ordinances or amendments. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required number of off-street parking spaces.

**NON-CONFORMING 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 which it is located by reasons of such adoption or amendment.

**NOTICE** - any notice required by the ordinance to be sent to a party or person in interest shall be sent to the last known of such party or person in interest by Certified U.S. First Class Mail, delivered to addresses only, return receipt requested.

**NURSING HOME** - establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding treatments, which are customarily provided in sanitariums and hospitals.

**OFF-PREMISES SIGN** – a sign that directs attention to a business, commodity, service, entertainment, institution or other use which is offered at a location other than upon the premises on which the sign is located.

**ON-PREMISES SIGN** – A sign that directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on the same premises where the sign is located.

**ONE HUNDRED (100) YEAR FLOOD PLAIN** - an area adjacent to a watercourse, which can be expected to flood on the average, once during any 100-year period. (i.e., that has one (1) percent chance of occurring each year, although the flood may occur in any year)

**OPEN SPACE/CONSERVATION DEVELOPMENT** - a residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas and with certain deed restrictions and other covenant requirements for open space. Refer to § 390-60.

**OPEN AREA** - free of all buildings, paving, other impervious surfaces, outside storage and structures except as permitted by this Chapter. Landscaping or screening as permitted by this Chapter may occur within the open area.

**PARK** – A tract of land designed and utilized by the general public for active and/or passive outdoor recreation purposes, which includes a fenced or secured dog park.

**PATIO/TERRACE** – paved outdoor area adjoining a residence.

**PAVED AREA** – The portion of lot area, excluding “Building Coverage”, that is covered by concrete, asphalt, brick, paving block, tile, flagstone, compacted earth, compacted crushed stone, other natural or manufactured paving material, etc; also includes areas covered by artificial turf that is supported by an impervious substructure.

**PERMANENT SIGN** - Any sign which is not a temporary sign.

**PERSON** - Any natural person, partnership, firm, association, corporation or other legal entity.

**PERSONAL CARE HOME** - a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

**PORTABLE SIGN** - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**PREMISES** - Area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. A business or other public enterprise, which occupies other floors, shall be considered separate premises.

**PRINCIPAL BUILDING** – a building or structure in which a principal use on a lot is conducted.

**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 the terms of this Zoning Ordinance.

**PRIVATE ROAD** – a street not dedicated to Exeter Township.

**PROFESSIONAL CONSULTANTS** – persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

**PROFESSIONAL SIGN** – Signs indicating the name, profession, or activity of the occupancy or of the property (i.e., being limited to an on-premises sign).

**PROMOTIONAL SIGN** – A promotional sign is an on-premises sign that promotes or advertises a special event on a property, limited to not more than four (4) times per calendar year in a commercial or industrial zoned district, such as banners, A-type, sandwich-type, sidewalk or curb signs.

**PUBLIC NOTICE** - notice published once each week for two 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 be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing, or as may be required by Act 247 as amended.

**PUBLIC ROAD** - a public thoroughfare, including a street, road, lane, alley, court or similar terms, which has been dedicated or deeded to the Township and accepted by it.

**PUBLIC SCHOOL** – a tax-supported educational facility controlled and operated by the Exeter Township School District.

**PUBLIC UTILITY SIGN** – Signs necessary for the identification and protection of approved public utility facilities.

**REAL ESTATE SIGN** – A sign advertising the sale or rental of real estate.

**REASONABLE ACCOMMODATION** - A modification to the rules and regulations contained in the Exeter Township Zoning Ordinance, as amended, that enables persons with handicaps to acquire equal access to housing as provided in the Fair Housing Amendments Act.

**RECREATION** –

- A. **OUTDOOR** – a recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, shooting ranges and other activities which generate noise objectionable to a residential environment.
- B. **INDOOR** – the use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents.

**RECREATIONAL FACILITY SIGN** – A sign identifying a golf course, country club or other recreational facility when located on the premises thereof, and containing no commercial advertising.

**REFORESTATION** – the process of creating woodlands with three distinct layers of vegetation: canopy trees; understory shrubs or trees; and herbaceous groundcover plants.

**REST ROOM** – a room or suite of rooms providing toilets and lavatories.

**RETIREMENT HOME** - establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding other treatments, which are customarily provided in sanitariums and hospitals.

**RIGHT-OF-WAY** - the total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk or for other public or semipublic uses.

**RIPARIAN AREA OR RIPARIAN CORRIDOR** – Land adjacent to a stream, lake, pond, wetlands, or waterway. Riparian areas form the transition between the aquatic and the terrestrial environment.

**RURAL BUSINESS** – As listed in §390-12.B.17.

**RURAL FARM MARKET** – A retail sales use where one vendor displays and sells general merchandise that is new or used.

**SALDO** – Exeter Township Subdivision and Land Development Ordinance No. 550, as amended, or any subsequent enactment thereof.

**SANITARY LANDFILL** - a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards or nuisances.

**SANITARY SEWAGE SYSTEM, COMMUNITY** - a sanitary sewage collection system in which sewage is varied from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

**SANITARY SEWAGE SYSTEM, ON-SITE** - any structure designed to treat sanitary sewage within the boundaries of any individual lot.

**SANITARY SEWAGE SYSTEM, PUBLIC** - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

**SCHOOLS** – Public or private including Parochial and non-sectarian schools.

**SCREEN** - Vegetative material, fence, etc. planted for or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

**SEASONAL** - any consecutive 3-month period within a calendar year.

**SERVICE STREET** - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties. (see alley)

**SEXUAL OFFENDER** - A person who has been convicted or adjudicated delinquent of an offense as set forth in 42 Pa.C.S. § 9795.1 (relating to registration of sexual offenders).

**SHOPPING CENTER** - The multiple use of a single property for a planned group of nonresidential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, family entertainment centers, taverns, nightclubs and similar planned uses as determined by the Zoning Officer, where the uses exceed a cumulative total of 30,000 gross square feet of floor area and are owned and maintained by an individual, corporation, partnership or organization. All shopping centers shall be planned and designed as an integrated, coordinated unit or converted as such with common off-street parking facilities, stormwater management facilities and utility services.

**SIGHT TRIANGLE (CLEAR)** - an area within which no vision-obstructing object is permitted above a height of two and one-half feet and below a height of ten feet (10).

**SIGN** - any structure, wall or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction, information, attraction or advertisement.

**SILVICULTURE** - The art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.

**SMALL WIND ENERGY SYSTEM:** A wind energy generation and/or conversion system with a rated capacity of 100 kW or less, the main purpose of which is to generate electricity and to reduce on-site consumption of utility power, consisting of a wind turbine, a tower, mounting frame and associated control or conversion electronics.

**SOLID WASTE** - waste including solid, liquid, semisolid or contained gaseous materials.

**SPECIAL EXCEPTION** - the granting by the Zoning Hearing Board for permission to conduct a use permitted in a particular district, to undertake certain activities, to occupy or use land, buildings or structures for a specific purpose or in a certain manner in accordance with this Chapter.

**SPECIFIED ANATOMICAL AREAS** - 1. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola; or 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** - 1. Human genitals in a state of sexual stimulation or arousal; 2. Acts of human masturbation, sexual intercourse or sodomy; and 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

**STREET** – A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic or pedestrians. The word “street” includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform:

**A. Arterials**

1. **Principal Arterials** – Serves statewide or interstate travel. Serves all urbanized areas. Provides integrated movements without stub connections.
2. **Minor Arterials** – Links cities, larger towns and other traffic generators. Provides integrated interstate and inter-county service. Spaced at proper intervals consistent with population density. Corridor movements consistent with above with greater trip lengths and travel densities than those served by rural collector or local systems.

**B. Collectors**

1. **Major Collectors** – Provides service to county seats, larger towns and other traffic generators. Connects routes of higher classification. Serves intracounty travel corridors.
2. **Minor Collectors** – Spaced at intervals to collect traffic from local roads. Provides services to remaining smaller communities. Links local traffic generators with rural hinterland.

**C. Interstate and Other Limited Access Freeways** - Provides limited access facilities.

**D. Local Roads** – Provides access to land adjacent to collector network. Serves travel over relatively short distances. Constitutes all rural mileage not classified in

one of the higher systems.

1. **Cul-De-Sac Street** – A local road intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
2. **Half (partial) Street** – A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
3. **Marginal Access Street** – A local road parallel and adjacent to an arterial street but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial street.
4. **Service Street (Alley)** – A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties which is not the primary means of access to the properties.

**STREET DIRECTORY SIGN** - A “street directory sign” is defined as a sign that identifies and/or directs vehicular traffic as to location of nearby streets and roadways.

**STREET FRONTAGE** - the lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

**STREET LINE** - the dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road or way over which the owners or tenants of two or more lots held in single and separate ownership have a right-of-way.

**STRUCTURE** – any man made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land (excluding paved areas, parking lots, driveways and access drives)

**SWIMMING POOL** - a pool used for swimming or bathing which has a depth in any part of twenty-four inches (24) or more.

**TANK FARM** – a facility having two or more storage containers for the transfer of inorganic liquids or gases and from which no retail sale of fuel to the public is conducted.

**TEMPORARY SIGN** - A sign not constructed or intended for long term use, not including portable or vehicular signs as defined.

**TIMBER HARVESTING** – The cutting and removal of trees from a forested area. Several types of timber harvesting methods are defined as follows:

- A. **CLEAR-CUT** - The establishment of a new even-aged stand from the development of new trees after removal in a single cutting of all trees in the previous stand, except trees reserved as part of the Bureau of Forestry reservation guidelines. Regeneration is established after the cut from one or more of the following: natural seeding, direct seeding, planted seedlings, or coppice regeneration. Fences, herbicide, or fertilizer are options to protect or enhance established regeneration for any of the areas having significant deer browsing or other inhibiting vegetation problems.

- B. **DIAMETER-LIMIT CUT** - A timber harvesting treatment in which all trees over a specified diameter may be cut. Diameter-limit cuts often result in high-grading.
- C. **HIGH-GRADING** - A type of timber harvesting in which larger trees of commercially valuable species are removed with little regard for the quality, quantity, or distribution of trees and regeneration left on the site; often results when a diameter limit harvest is imposed.
- D. **IMPROVEMENT CUTTING** - The removal of trees of undesirable species, form or condition from the main canopy of the stand to improve the health, composition and value of the stand.
- E. **SALVAGE CUTTING** - The removal of dead trees or trees being damaged or dying due to injurious agents other than competition, to recover value that would otherwise be lost.
- F. **SINGLE TREE SELECTION METHOD** - A method of creating new age classes in uneven-age stands in which individual trees of all size classes are removed more-or-less uniformly throughout the stand to achieve desired stand structural characteristics and regenerate shade-tolerant species.
- G. **GROUP SELECTION METHOD** – The removal of trees in different areas to create openings in the forest canopy to stimulate regeneration of shade-intolerant species.

**TOP OF BANK** – The point above a waterway which defines the maximum height of channel flow of a waterway. It is either determined visually or computed as a topographic elevation.

**TOWER HEIGHT** – The height above grade of the fixed portion of the tower excluding the wind turbine itself.

**TOWNSHIP** - Township of Exeter, Berks County, Pennsylvania.

**TOWNSHIP PLANNING COMMISSION** - Planning Commission of the Township of Exeter, Berks County, Pennsylvania.

**TOWNSHIP SUPERVISORS** - Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania.

**TRAFFIC CONTROL SIGN** - A traffic control sign is defined as a sign that directs the flow of vehicular traffic.

**TRAFFIC CONTROL SIGN, INTERNAL** – An internal traffic control sign is an on-premises sign that regulates the flow of traffic, parking or the location of on-premises facilities (such as lavatory facilities, telephone facilities, and sections of a building) located on the property on which the sign is erected.

**TRAVEL TRAILER** - a vehicular portable structure built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and/or vacation purposes.

**TRESPASSING SIGN** – An on-premises sign that indicates that trespassing on a property is prohibited, or other signs indicating the private nature of premises or controlling hunting or fishing activities on the premises.

**TURBINE HEIGHT** – The vertical distance measured from grade plane to the highest point of the wind turbine rotor plane.

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

**VARIANCE** - minimum relief granted by the Zoning Hearing Board, from the terms and conditions of this Chapter where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

**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.

**VIOLENT BEHAVIORAL DISORDER** – Any conduct disorder of person diagnosed by a licensed Psychologist or Psychiatrist that includes three (3) or more of examples of the following behavior within the prior twelve (12) month period: (a) aggressive conduct that causes or threatens physical harm to other people or animals; or (b) aggressive or non-aggressive conduct that causes property loss or damage.

**VIOLENT OFFENSE** - Any of the following offenses, or an attempt, a solicitation or a conspiracy to commit any of the same: aggravated assault, robbery (limited to those robberies graded under the Crimes Code as Felonies of the First Degree), burglary (limited to those burglaries graded under the Crimes Code as Felonies of the First Degree), murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, arson, extortion accompanied by threats of violence, assault by prisoner, assault by life prisoner and kidnapping.

**WALL** –an upright structure of masonry, wood, plaster or other building material serving to enclose, divide or protect an area.

**WATER DISTRIBUTION SYSTEM, COMMUNITY** - a system for supplying and distributing water from a common source to ten (10) or more dwellings and/or other buildings within a single neighborhood, and which additionally shall comply with all other Local and State Ordinances and Regulations incidental to the use thereof.

**WATER DISTRIBUTION SYSTEM, ON-SITE** - a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

**WATER DISTRIBUTION SYSTEM, PUBLIC** - a system for supplying and distributing water from a common source to ten (10) or more dwellings and other buildings, but not confined to one neighborhood, and which additionally shall comply with all other Local and State Ordinances and Regulations incidental to the use thereof.

**WATERWAY** – A stream, creek, river, pond, lake, or other watercourse or waterbody.

**WETLANDS** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens and similar areas.

**WINDOW SIGN** - A sign affixed to or visible through a window of a building.

**WIND TURBINE** - A component of a wind energy conversion system that converts wind energy into electricity through the use of a wind-powered generator, and include the nacelle, rotor, tower, and pad transformer, if any.

**YARD** - the open space on the same lot with a building or structure, extending parallel to lot lines and street lines and measured at a distance perpendicular to lot and street lines. The yard shall be open and unobstructed from the ground upward, except as otherwise provided in this Chapter, and not less in depth or width than the minimum required in each zoning district.

**YARD, FRONT** - an open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot.

**YARD, REAR** - an open space between the rear lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

**YARD, SIDE** - an open space between the side lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way of the service street.

**YARD SALE** – Any public sale of goods on residential property including, but not limited to, the residential properties, garage, home, lawn, or yard.

**ZONING HEARING BOARD** - Exeter Township Zoning Hearing Board.

**ZONING OFFICER** - Exeter Township Zoning Officer or assistants.

**Article III**  
**Zoning Districts**

**§ 390-7. Types of Zoning Districts.**

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

RC	Rural Conservation District
AP	Agricultural Preservation District
R	Rural District
SR0	Suburban Residential District
SR1	Suburban Residential District
SR2	Suburban Residential District
SR3	Suburban Residential District
UR	Urban Residential District
RVO	Rural Village Overlay (Stonersville)
RVO	Rural Village Overlay (Limekiln)
NC	Neighborhood Commercial District
HC	Highway Commercial District
SCC	Shopping Center Commercial District
LI	Light Industrial District
GI	General Industrial District
ROC	Restricted Office Commercial District

**§ 390-8. Zoning Map**

- A. The boundaries of the Zoning Districts shall be 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.
- B. The official copy of the Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:
- "This is to certify that this is the Zoning Map of the Township of Exeter adopted (date)".
- C. If the Zoning Map is amended, an entry indicating the change and the date of the amendment shall be made on the Zoning Map and the entry shall include the signatures of the Chairperson and Secretary of the Board of Supervisors.
- D. In the event that the 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 Zoning Map, which shall supersede such prior map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

"This is to certify that this is the Zoning Map of the Township of Exeter adopted (date)."

**§ 390-9. District Boundaries; rules for interpretation.**

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

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.
- C. If density or zoning specifications differ between Exeter Township and that of an adjoining municipality exist; then the Exeter Township Board of Supervisors reserves the right to decide which density or zoning specifications would be in the best interest of Exeter Township.
- D. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Zoning Map. Districts not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- F. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- G. Boundaries indicated, as extensions of features indicated in paragraphs 1-E above shall be so construed.
- H. Division of lots by district boundary lines:
  - (1) Where a district boundary line intersects a property to the extent that it divides the property into two separate residential zones; SR0, SR1, SR2, SR3 or UR districts, the property will be deemed to be in the lesser dense district unless the Exeter Township Board of Supervisors (after a public hearing) agrees to allow the higher density.
  - (2) Where a district boundary line divides a lot which was in single ownership at the effective date of this Chapter, at the election of the Township Zoning Officer, the regulations of either zoning district may be extended a distance of not more than fifty feet (50) beyond the district boundary line into the remaining portion of the lot when one or both of the districts involved is an RC, AP, R, SR0, SR1, SR2, SR3, UR or ROC Districts. When both of the districts involved are NC, HC, SCC, LI, or GI Districts, at the election of the Township Zoning Officer, the regulations of either zoning district may be extended a distance of not more than two hundred feet (200) beyond the district boundary line into the remaining portion of the lot.

**§ 390-10. Application of District Regulations.**

- A. No building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed or structurally altered without the issuance of a Zoning and/or Building Permit by the Zoning Officer. No building, structure or land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer.
- B. No part of a yard, common open space, other open space or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, common open space, open space or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Chapter or other Township Ordinance or regulations.
- C. No yard or lot existing at the time of passage of this Chapter which meets the requirements of this Chapter shall be reduced in dimension or area below the minimum requirements set forth in this Chapter. A yard or lot existing at the time of passage of this chapter shall not be further reduced below the minimum requirements of this Chapter.
- D. Where district regulations specify a minimum lot width at the street line (the minimum lot width shall be provided contiguous along the street line) of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts.
- E. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts.
- F. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

**Article IV**  
**Conservation and Residential Zoning Districts**

**§ 390-11. RC - Rural Conservation District**

- A. Specific Intent. It is the purpose of this District to encourage the preservation of rural areas containing woodlands, water-sheds, watercourses and wildlife habitats, which will serve to perpetuate the rural atmosphere, open spaces and scenic landscapes in these portions of the Township. Much of the District contains steep slopes, and is classified as having severe limitations to development. Because of this, intensive residential development will not be permitted.
- B. Uses Permitted by Right. Land and buildings in an RC District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted.
- (1) Single family detached dwelling.
  - (2) Woodland or game preserve, wildlife sanctuary, or similar conservation use.
  - (3) Municipal use.
  - (4) No Impact Home Based Business – subject to § 390-39.
  - (5) Agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390-6, subject to § 390-32 of this Chapter.
  - (6) Recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, swimming areas and pools, hiking trails, trails for non-motorized bicycles, boating, fishing, shooting and hunting clubs and areas, and camps (except campgrounds), subject to § 390-33.
  - (7) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (8) Open Space/Conservation Development per § 390-60 with community water & sewer.
  - (9) Conventional Development (single family residences) of less than 10 acres.
  - (10) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (11) Roadside stands for the sale of farm products grown on the premises per § 390-32A(8)
  - (12) Yard Sale subject to § 390-64.
  - (13) Home Occupation subject to. § 390-40.
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H
- (1). Nursing home, retirement home, personal care home or convalescent home, provided that the number of beds shall not exceed twenty (20).

- (2). Trails for non-motorized bicycles, subject to § 390-33.
  - (3). Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30
  - (4). Cemeteries
  - (5). Group Home, pursuant to § 390-71.3.
- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90
- (1) Bed and Breakfast per § 390-63.
  - (2) Seasonal Outdoor Recreational Activities subject to § 390-33.
  - (3) Conventional Development (single family residences) of 10 acres or more subject to the following:
    - (a) Curbs and sidewalks are required
    - (b) full width streets are required
    - (c) street lights are required
    - (d) no flag lots are allowed
  - (4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30
- E. Area, Yard and Height Regulations.

<b>Rural Conservation District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	No restriction
Farm Buildings and Structures (non-residential)	35 feet
All Other Buildings and Structures	
LOT COVERAGE	5 Percent of lot area
PAVED AREA	5 Percent of lot area
CLEAR CUTTING OF WOODED AREA (Except for Forestry Operations)	20 Percent of lot area
	<b>MINIMUM REQUIREMENTS</b>
LOT AREA	3 Acres
BUILDING SETBACK	50 Feet
LOT WIDTH	
At Street Line	180 Feet
At Building Setback Line	250 Feet
SIDE YARD	
Total	60 Feet
One Side	30 Feet
REAR YARD	50 Feet
OPEN AREA	90 Percent of lot area

**§ 390-12. AP - Agricultural Preservation District**

A. Specific Intent: The intent of the Agricultural Preservation District is as follows:

- (1) To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's Executive Order of March 20, 2003. Those areas being preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974, as Amended (clean and green) or Act 515 of 1996, as amended, and land capability classes I, II, III and IV and other soils of statewide importance as defined by the Natural Resources conservation service.
- (2) To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the Commonwealth of Pennsylvania.
- (3) To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.
- (4) To promote agricultural land uses and activities and other uses and activities which act in direct support of agriculture.
- (5) To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highway and other public facilities in excess of those required by agricultural uses.
- (6) To maintain, protect and stabilize agriculture as an on-going economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support of agriculture.
- (7) To enhance the economic viability of agricultural operations by allowing compatible low impact businesses as supplemental uses on properties.
- (8) To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
- (9) To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.
- (10) The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which is a legitimate zoning objective under the Municipalities Planning Code.
- (11) To further Section 603(b)(5) and 604(3) of the Municipalities Planning Code, which direct that zoning ordinance contain provisions designed to "preserve prime agriculture and farmland considering topography, soil type and classification, and present use."
- (12) To fully recognize that farming and agriculture activities are the highest, best and a fully developed land use.

- (13) To put into action the goals of the Joint Comprehensive Plan for Amity Township, Exeter Township and St. Lawrence Borough that contains the intent to preserve agriculture and farmlands.

B. Permitted by Right. Land and buildings in an AP District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use per Subsection D is granted:

- (1) All forms of agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390-6, subject to § 390-32.
- (2) Nurseries and greenhouses.
- (3) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
- (4) Farm dwelling, subject to:
  - (a) Farm dwellings shall be limited to single family detached dwellings. No more than two dwelling units shall be permitted per 40 acres of farm. The total number of dwellings shall not exceed two.
  - (b) If constructed, a farm dwelling shall be constructed on a farm which is a minimum of 40 acres in size; however, if a farm less than 40 acres in size existed at the time of the enactment of this Chapter, a farm dwelling shall be permitted on that farm.
  - (c) Subsequent to the construction of a farm dwelling, the farm dwelling shall remain in the same ownership as the farm on which it was constructed.
- (5) A single family detached dwelling on an existing lot (i.e., existing as the date of the enactment of this Chapter) that is less than ten (10) acres.
- (6) Roadside stands for the sale of farm products grown on the premises per § 390-32A(8).
- (7) No Impact Home Based Business subject to § 390-39.
- (8) Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the sale and repair of farm and garden machinery, subject to:
  - (a) The conduct of the business on a farm shall be secondary to the use of the farm for agricultural activities.
- (9) Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the farm property.
- (10) Office of veterinarian.
- (11) Woodland or game preserves, wildlife sanctuary or similar conservation use.
- (12) Municipal use.

- (13) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.
- (14) Yard Sale per § 390-64.
- (15) Home Occupation subject to § 390-40.
- (16) Boarding Kennel (short term) subject to § 390.71.1
- (17) Rural business as listed below:
  - (a) Winery
  - (b) Equine facilities, riding stable, riding school, commercial boarding stable, include accessory uses, such as arenas, corrals, and exercise tracks.
  - (c) Rural farm market, grocery stores and agricultural related sales (sales area less than or equal to 2,000 sq. ft. unless the structure existed prior to enactment of this chapter)
  - (d) Pet grooming facility.
  - (e) Rural sawmill or planing mills or retail firewood operation.
  - (f) Blacksmith shops, farrier, harness making.
  - (g) Wood craftsmanship.
  - (h) Agritainment activities such as corn mazes and hayrides pursuant to temporary permits issued by the Zoning Officer.

C. Uses Permitted by Special Exception.

- (1) The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
  - (a) Intensive agricultural activities, subject to the applicable requirements of §390-32.
  - (b) “Repurposed buildings: existing agricultural structure converted to a residence.
  - (c) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

- (1) Bed and Breakfast per § 390-63.
- (2) Seasonal Outdoor Recreational Activities subject to § 390-33.
- (3) Outdoor recreation uses including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except miniature

golf courses and driving ranges), hiking trails, trails for non-motorized bicycles, fishing, shooting and hunting clubs and areas, and camps (except campgrounds), subject to § 390-33.

- (4) Kennel, Boarding Kennel.
- (5) Rural farm market, grocery stores, and agricultural related retails sales (sales area over 2,000 sq. ft. are permitted provided that it is in an existing structure that existed prior to enactment of this chapter)
- (6) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations.

<b>Agricultural Preservation District</b>	<b>MAXIMUM PERMITTED</b>
<b>BUILDING HEIGHT – PRINCIPAL BUILDING</b>	
Farm Buildings and Structures (non-residential)	No restriction*
Residential Buildings	40 feet*
All Other Buildings and Structures	65 feet*
<b>LOT COVERAGE</b>	10 Percent of lot area
<b>PAVED AREA</b>	10 Percent of lot area
	<b>MINIMUM REQUIREMENTS</b>
<b>LOT AREA</b>	40 Acres
<b>LOT WIDTH</b>	
At Street Line	400 feet
At Building Setback Line	400 feet
	<b>MINIMUM REQUIREMENTS</b>
<b>BUILDING SETBACK</b>	75 feet
<b>REAR YARD</b>	75 feet
<b>SIDE YARD</b>	
Total	100 feet
One side	50 feet
<b>OPEN AREA</b>	80 Percent of lot area

\* May be further limited by International Building Code, Table 503.

F. Performance Standards:

All uses permitted in the AP district shall provide off street parking, however, they are exempt from the requirements as outlined in § 390-37.

§ 390-13. **R - Rural District.**

- A. **Specific Intent.** It is the purpose of this District to permit limited residential development at low to medium density in an area predominantly characterized by farmland, open spaces, steep slopes and woodland.
- B. **Uses Permitted by Right.** Land and buildings in an R District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
  - (1) Single family detached dwelling.
  - (2) Woodland or game preserve, wildlife sanctuary, or similar conservation use.
  - (3) Municipal use.
  - (4) No Impact Home Based Business subject to § 390-39.
  - (5) Agriculture, horticulture, animal husbandry and dairy farming, except intensive agriculture activities, as defined in § 390-6, and subject to § 390-32 of this Chapter.
  - (6) Open Space/Conservation Development (refer to § 390-60).
  - (7) Conventional Development (single family residences) of less than 10 acres
  - (8) Forestry activities including, but not limited to, Timber Harvesting per Section 629.
  - (9) Roadside stands for the sale of farm products grown on the premises per § 390-32A(8).
  - (10) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (11) Yard Sale per § 390-64.
  - (12) Home Occupation subject to § 390-40.
- C. **Uses Permitted by Special Exception.** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H.
  - (1) Churches or similar places of worship.
  - (2) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50'.
  - (3) Outdoor recreation uses including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except driving

ranges and miniature golf courses), swimming areas and pools, hiking trails, trails for motorized bicycles, trails for non-motorized bicycles, boating, fishing, shooting and hunting clubs and areas, camps subject to § 390-33.

(4) Fire Company.

(5) Campgrounds, subject to:

(a) All rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

(b) The minimum area of a campground shall be five (5) acres.

(c) All buildings and structures shall be clearly incidental to the use of the site as a campground and shall be for the use of the occupants of the campground only.

(d) Every campground shall be separated from a public street and from adjoining properties by a buffer strip no less than one hundred feet (100) in width, which shall contain an evergreen planting screen no less than five feet (5) in height when planted. § 390-31 shall be complied with.

(e) No portions of the campground shall be used for year-round occupancy.

(f) All certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in § 390-84 for issuance of the original Certificate of Use and Occupancy.

Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a site by an individual tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety or general welfare of other occupants and the owners and/or occupants of adjacent properties.

Upon due notice, the Township Supervisors may revoke a Certificate of Use and Occupancy for failure by the owner of a Campground to enforce such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

(g) There shall be a maximum gross density of twelve (12) travel trailer or tent sites per acre. Each site shall be a minimum of 1500 square feet in area, with a minimum width of twenty-five feet (25). Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent. See § 390-58.

(h) Sites shall be so dimensioned and arranged that when any space is occupied no portion of any travel trailer or tent, including accessory

attachments, shall be within ten feet (10) of any portion of any other travel trailer, tent or building. Each site shall contain at least one (1) parking space, which is clear, generally level, and well-drained and no less than ten feet (10) by eighteen feet (18) in area.

(i) Each site shall abut and have direct access to an internal roadway, which shall be a minimum of twenty feet (20) in width and improved to a mud free condition suitable for use in all weather conditions. Suitable materials shall be applied to the roads to control dust. Parking shall not be permitted on the roads. In all other respects, the roads shall meet the standards of the Exeter Township Subdivision and Land Development Ordinance, unless waivers are granted by the Township pursuant to said Ordinance.

(j) A tenant shall not occupy a space in a travel trailer park for more than nine (9) consecutive weeks. Occupancy of any space in the park for four (4) or more nights in any one (1) week shall be considered occupancy for one (1) week.

[1] After occupancy in the travel trailer for nine (9) consecutive weeks, a tenant shall not occupy a space in the park for more than three (3) nights in any one (1) week for a period of four (4) consecutive weeks.

[2] The owner of the travel trailer park shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to representatives of the Supervisors. The owner shall retain each registration list for a period of one (1) year.

(6) Group Home, pursuant to § 390-71.3.

(7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90:

(1) Bed and Breakfast per § 390-63.

(2) Seasonal Outdoor Recreational Activities subject to § 390-33.

(3) Conventional Development (single family residences) of 10 acres or more subject to the following:

(a) curbs and sidewalks are required

(b) full width streets are required

(c) street lights are required

(d) no flag lots are allowed

- (4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations

<b>Rural District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	No restriction
Farm Buildings and Structures (non-residential)	35 feet
All Other Buildings and Structures	
LOT COVERAGE	10 percent of lot area
PAVED AREA	10 percent of lot area
	<b>MINIMUM REQUIREMENTS</b>
LOT AREA	1 Acre
LOT WIDTH	
At Street Line	100 feet
At Building Setback Line	150 feet
BUILDING SETBACK	50 feet
REAR YARD	30 feet
SIDE YARD	
Total	50 feet
One Side	25 feet
OPEN AREA	80 percent of lot area

**§ 390-14. SR0 – Suburban Residential District (formerly LDR).**

- A. Specific Intent. It is the purpose of this District to maintain existing areas of medium-density residential development and to allow limited expansion of those areas. Density of development will vary with the availability of public sewage disposal and water facilities.
- B. Uses Permitted by Right. Land and buildings in an SR0 District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
  - (1) Single family detached dwelling.
  - (2) Municipal use.
  - (3) No Impact Home Based Business subject to § 390-39.
  - (4) Open Space/Conservation Development (refer to § 390-60).
  - (5) Conventional Development (single family residences) of less than 10 acres.
  - (6) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (8) Yard Sale per § 390-64.
  - (9) Home Occupation subject to § 390-40.
  - (10) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H.
  - (1) Churches or similar places of worship.
  - (2) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50’.
  - (3) Parks (except amusement parks), playgrounds and picnic grounds, subject to § 390-33.
  - (4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

- (1) Conventional Development (single family residences) of 10 acres or more subject to the following:
  - (a) curbs and sidewalks are required
  - (b) full width streets are required
  - (c) street lights are required
  - (d) no flag lots are allowed
- (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations

<b>SR0 Suburban Residential District</b>	<b>ON-SITE SEWAGE DISPOSAL OR ON-SITE WATER SUPPLY</b>	<b>PUBLIC OR COMMUNITY SEWAGE DISPOSAL AND PUBLIC OR COMMUNITY WATER SUPPLY</b>
<b>MAXIMUM PERMITTED</b>		
BUILDING HEIGHT -PRINCIPAL BUILDING	35 feet	35 feet
LOT COVERAGE	10 percent of lot area	18 percent of lot area
PAVED AREA	10 percent of lot area	12 percent of lot area
<b>MINIMUM REGULATIONS</b>		
LOT AREA	1 Acre	½ Acre
LOT WIDTH At street Line At Building Setback	100 feet 150 feet	75 feet 105 feet
BUILDING SETBACK	50 feet	30 feet
REAR YARD	30 feet	30 feet
SIDE YARD Total One Side	50 feet 25 feet	40 feet 20 feet
OPEN AREA	80 percent of lot area	70 percent of lot area

**§ 390-15. SR1 - Suburban Residential District.**

- A. Specific Intent. It is the purpose of this District to provide for the maintenance and expansion of residential areas at medium to high densities of development, depending upon the availability of public disposal and water supply facilities.
- B. Uses Permitted by Right. Land and buildings in an SR1 District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
  - (1) Single family detached dwelling.
  - (2) Municipal use.
  - (3) No Impact Home Based Business subject to § 390-39.
  - (4) Open Space/Conservation Development (refer to § 390-60).
  - (5) Conventional Development (single family residences) of less than 10 acres.
  - (6) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (8) Yard Sale per § 390-64.
  - (9) Home Occupation subject to § 390-40.
  - (10) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
  - (1) Church or similar places of worship.
  - (2) Cemeteries.
  - (3) State licensed nursery school, public schools, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50'.
  - (4) Fire company.
  - (5) Parks (except amusement parks), playgrounds and picnic grounds, subject to § 390-33.
  - (6) Nursing homes, convalescent home, personal care home or retirement home.

- (7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90:
- (1) Conventional Development (single family residences) of 10 acres or more subject to the following:
- (a) curbs and sidewalks are required.
  - (b) full width streets are required.
  - (c) street lights are required.
  - (d) no flag lots are allowed.
- E. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- F. Area, Yard and Height Regulations

<b>SR1 Suburban Residential District</b>	<b>ON-SITE SEWAGE DISPOSAL OR ON- SITE WATER SUPPLY</b>	<b>PUBLIC OR COMMUNITY SEWAGE DISPOSAL AND PUBLIC OR COMMUNITY WATER SUPPLY</b>
<b>MAXIMUM REGULATIONS</b>		
BUILDING HEIGHT -PRINCIPAL BUILDING	35 feet	35 feet
LOT COVERAGE	10 percent of lot area	24 percent of lot area
PAVED AREA	10 percent of lot area	16 percent of lot area
<b>MINIMUM REGULATIONS</b>		
LOT AREA	1 acre	12,000 square feet
LOT WIDTH		
At Street Line	100 feet	60 feet
At Building Setback	150 feet	80 feet
BUILDING SETBACK	50 feet	30 feet
REAR YARD	30 feet	30 feet
SIDE YARD		
Total	50 feet	30 feet
One Side	25 feet	15 feet
OPEN AREA	80 percent of lot area	60 percent of lot area

**§ 390-16. SR2 - Suburban Residential District.**

- A. **Specific Intent.** It is the purpose of this District to provide for the maintenance and expansion of residential areas at medium to high densities of development depending upon the availability of public sewage disposal and water supply facilities. In addition, mobile home parks are permitted as a conditional use.
- B. **Uses Permitted by Right.** Land and buildings in an SR2 District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or a Conditional Use as provided for in Subsection D is granted:
- (1) Single family detached dwelling.
  - (2) Single-family semi-detached dwelling.
  - (3) Municipal use.
  - (4) No Impact Home Based Business subject to § 390-39.
  - (5) Open Space/Conservation Development (Refer to § 390-60).
  - (6) Conventional Development (single family residences) of less than 10 acres.
  - (7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (8) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (9) Yard Sales per § 390-64.
  - (10) Home Occupation subject to § 390-40.
  - (11) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).
- C. **Uses Permitted by Special Exception.** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) Churches or similar places of worship.
  - (2) Cemeteries.
  - (3) State licensed nursery school, public schools, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50'.
  - (4) Parks (except amusement parks), community centers, playgrounds, swimming pools and picnic grounds, subject to § 390-33.
  - (5) Nursing home, convalescent home, personal care home or retirement home.
  - (6) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per § 390-29 and 390-30.

- D. Uses Permitted by Condition. The following uses are permitted when a Conditional Use is granted by the Township Supervisors in accordance with § 390-90
- (1) Mobile home parks, subject to:
    - (a) Minimum area of ten (10) acres.
    - (b) All mobile homes shall be placed on foundations as specified in § 390-54 of the Exeter Township Zoning Ordinance.
    - (c) § 330-42D of the Exeter Township Subdivision and Land Development Ordinance.
  - (2) Conventional Developments (single family residences) of 10 acres or more subject to the following:
    - (a) curbs and sidewalks are required.
    - (b) full width streets are required.
    - (c) street lights are required.
    - (d) no flag lots are allowed.
  - (3) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30
- E. Area, Yard and Height Regulations:

SR2 Suburban Residential District	ON-SITE SEWAGE DISPOSAL OR ON-SITE WATER SUPPLY		PUBLIC OR COMMUNITY SEWAGE AND PUBLIC OR COMMUNITY WATER SUPPLY	
	SINGLE FAMILY DETACHED AND NON- RESIDENTIAL	SINGLE FAMILY SEMI- DETACHED	SINGLE FAMILY DETACHED AND NON- RESIDENTIAL	SINGLE FAMILY SEMI- DETACHED
<b>MAXIMUM REGULATIONS</b>				
BUILDING HEIGHT –PRINCIPAL BUILDING	35 feet	35 feet	35 feet	35 feet
LOT COVERAGE	10 percent of lot area	10 percent of lot area	24 percent of lot area	24 percent of lot area
PAVED AREA	10 percent of lot area	10 percent of lot area	16 percent of lot area	16 percent of lot area
<b>MINIMUM REGULATIONS</b>				
LOT AREA	1 Acre	1 Acre / d.u.	12,000 square feet	12,000 square feet / d.u.
LOT WIDTH At Street Line	100 feet	80 ft. / d.u.	60 feet	40 ft. / d.u.
At Building Setback Line	150 feet	100 ft. / d.u.	80 feet	55 ft. / d.u.
BUILDING SETBACK	50 feet	50 feet	30 feet	30 feet
REAR YARD	30 feet	30 feet	30 feet	30 feet
SIDE YARD Total	50 feet	60 feet	30 feet	30 feet
One Side	25 feet	30 feet	15 feet	15 feet
OPEN AREA	80 percent of lot area	80 percent of lot area	60 percent of lot area	60 percent of lot area

**§ 390-17. SR3 – Suburban Residential District (formerly MDR)**

- A. Specific Intent. It is the purpose of this District to provide for completion and expansion of existing residential areas and to accommodate the greatest portion of residential growth within the Township. The types of dwelling units and density of development permitted vary with the availability of public sewage disposal and water supply facilities.
- B. Uses Permitted by Right. Land and buildings in a SR3 District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
- (1) Single family detached dwelling.
  - (2) Single family semi-detached dwelling.
  - (3) Townhouses, subject to § 390-66 and the gross density of the development shall not exceed six (6) dwelling units per acre. (See § 390-57).
  - (4) Two family detached dwelling.
  - (5) Municipal use.
  - (6) No Impact Home Based Business subject to § 390-39.
  - (7) Open Space/Conservation Development (refer to § 390-60).
  - (8) Conventional Development (single family residences) of less than 10 acres
  - (9) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (10) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (11) Yard Sales per § 390-64.
  - (12) Home Occupation subject to § 390-40.
  - (13) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A)
- C. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) Churches or similar places of worship.
  - (2) State licensed nursery school, public schools, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50'.
  - (3) Park (except amusement parks), playgrounds, country club, picnic grounds and golf courses (except driving ranges and miniature golf courses), subject to § 390-33.
  - (4) Nursing home, convalescent home, personal care home or retirement home.

- (5) Apartment development consisting entirely of dwelling units for the elderly, subject to the standards for apartments in § 390-66, provided that the gross density of the development shall not exceed six (6) dwelling units per acre. (See § 390-57)
  - (6) Accessory uses and structures to the above permitted uses when on the same lot as the permitted uses per §§ 390-29 and 390-30.
- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.
- (1) Conventional development (single family residences) of 10 acres or more subject to the following:
    - (a) curbs and sidewalks are required.
    - (b) full width streets are required.
    - (c) street lights are required.
    - (d) no flag lots are allowed.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per § 390-29 and 390-30.

E. Area, Yard and Height Regulations:

<b>SR3 Suburban Residential District</b>	<b>ON-SITE SEWAGE DISPOSAL OR ON-SITE WATER SUPPLY</b>		<b>PUBLIC OR COMMUNITY SEWAGE AND PUBLIC OR COMMUNITY WATER SUPPLY</b>	
	<b>SINGLE FAMILY DETACHED AND NON- RESIDENTIAL</b>	<b>SINGLE FAMILY SEMI- DETACHED AND TWO FAMILY DETACHED RESIDENTIAL</b>	<b>SINGLE FAMILY DETACHED AND NON- RESIDENTIAL</b>	<b>SINGLE FAMILY SEMI- DETACHED AND TWO FAMILY DETACHED RESIDENTIAL</b>
<b>MAXIMUM REGULATIONS</b>				
BUILDING HEIGHT PRINCIPAL BUILDING	35 FEET	35 FEET	35 FEET(NOTE 1)	35 FEET
LOT COVERAGE	10 PERCENT of lot area	10 PERCENT of lot area	24 PERCENT of lot area	24 PERCENT of lot area
PAVED AREA	10 PERCENT of lot area	10 PERCENT of lot area	16 PERCENT of lot area	16 PERCENT of lot area
<b>MINIMUM REGULATIONS</b>				
LOT AREA	1 Acre	1 Acre/D.U.	12,000 SQ. FT.	12,000 SQ. FT./D.U.
LOT WIDTH: AT STREET LINE AT BUILDING SETBACK LINE	100 FEET 150 FEET	80 FT./D.U. 100 FT./D.U.	60 FEET 80 FEET	40 FT./D.U. 55 FT./D.U.
BUILDING SETBACK	50 FEET	50 FEET	30 FEET	30 FEET

REAR YARD	30 FEET	30 FEET	30 FEET	30 FEET
SIDE YARD TOTAL ONE SIDE	50 FEET 25 FEET	60 FEET 30 FEET	30 FEET 15 FEET	30 FEET 15 FEET
OPEN AREA	80 PERCENT of lot area	80 PERCENT of lot area	60 PERCENT of lot area	60 PERCENT of lot area

NOTE 1: Requirements for Apartments and Townhouses are specified in § 390-66.

**§ 390-18. UR - Urban Residential District.**

- A. Specific Intent. It is the purpose of this District to provide for an area for multiple family development at high to very high density of development, provided public sewer and water facilities are available.
- B. Uses Permitted by Right. Land and buildings in a UR District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
- (1) Single family detached dwelling.
  - (2) Single family semi-detached dwelling.
  - (3) Apartments and townhouses, subject to § 390-66 and the gross density of the development shall not exceed ten (10) dwelling units per acre. (See § 390-57)
  - (4) Two family detached dwelling.
  - (5) Municipal use.
  - (6) No Impact Home Based Business subject to § 390-39.
  - (7) Open Space/Conservation Development (refer to § 390-60).
  - (8) Conventional Development (single family residences) of less than 10 acres.
  - (9) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (10) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (11) Yard Sale per § 390-64.
  - (12) Home Occupation subject to § 390-40.
  - (13) Passive Agriculture, subject to compliance with all applicable provisions of §390-32(A)
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) Churches or similar places of worship.
  - (2) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, and day care center.
    - (a) Schools shall be allowed a height limit of 50’.
  - (3) Parks (except amusement parks), playgrounds and picnic grounds, subject to § 390-33.
  - (4) Nursing home, convalescent home, personal care home or retirement home.
  - (5) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.
- (1) Conventional Development (single family residences) of 10 acres or more subject to the following:
    - (a) curbs and sidewalks are required.
    - (b) full width streets are required.
    - (c) street lights are required.
    - (d) no flag lots are allowed.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations:

Urban Residential District	ON-SITE SEWAGE DISPOSAL OR ON-SITE WATER SUPPLY		PUBLIC OR COMMUNITY SEWAGE AND PUBLIC OR COMMUNITY WATER SUPPLY	
	SINGLE FAMILY DETACHED AND NON-RESIDENTIAL	SINGLE FAMILY SEMI-DETACHED AND TWO FAMILY DETACHED	SINGLE FAMILY DETACHED AND NON-RESIDENTIAL	SINGLE FAMILY SEMI-DETACHED AND TWO FAMILY DETACHED
BUILDING HEIGHT PRINCIPAL BUILDING	35 FEET	35 FEET	35 FEET (NOTE 1)	35 FEET
LOT COVERAGE	10 PERCENT of lot area	10 PERCENT of lot area	24 PERCENT of lot area	24 PERCENT of lot area
PAVED AREA	10 PERCENT of lot area	10 PERCENT of lot area	16 PERCENT of lot area	16 PERCENT of lot area
<b>MINIMUM REGULATIONS</b>				
LOT AREA	1 Acre	1 Acre/D.U.	12,000 SQ. FT.	12,000 SQ. FT./D.U.
LOT WIDTH: AT STREET LINE	75 FEET	80 FT./D.U.	60 FEET	40 FT./D.U.
AT BUILDING SETBACK LINE	150 FEET	100 FT./D.U.	80 FEET	55 FT./D.U.
BUILDING SETBACK	50 FEET	50 FEET	30 FEET	30 FEET
REAR YARD	30 FEET	30 FEET	30 FEET	25 FEET
SIDE YARD TOTAL	50 FEET	60 FEET	30 FEET	30 FEET
ONE SIDE	25 FEET	30 FEET	15 FEET	15 FEET
OPEN AREA	80 PERCENT of lot area	80 PERCENT of lot area	60 PERCENT of lot area	60 PERCENT of lot area

Notes:

1. Requirements for Apartments and Townhouses are specified in § 390-66.

**§ 390-19. RVO – Rural Village Overlay (Stonersville)**

Eligibility for the RVO (Stonersville) District is extended to the properties designated as such on the Township Zoning Map.

- A. **Specific Intent.** It is the purpose of this overlay to provide an elective alternative to the regulations otherwise applicable in the portion of the underlying zoning district where the RVO is eligible to be used and to recognize the historical uses in this area of the Township and to permit a mix of agricultural use, residential use and low-impact commercial use intended to serve the needs of the residents while recognizing the limitations imposed by the absence of public water and public sewer facilities. Specific objectives of this overlay shall be:
- (1) Preservation of the historic, rural character of the village of Stonersville by allowing future development that is compatible in scale, density and setbacks with current village uses.
  - (2) Accommodation of limited expansion of the village while maintaining the traditional village development pattern.
  - (3) Accommodation of limited expansion through dual use (residential and commercial) of structures consistent with traditional village uses.
  - (4) Accommodation of limited expansion consistent with the availability of potable on-site water supplies and on-site sewage disposal system(s) that meet all applicable DEP standards.
  - (5) Preservation of historic and traditional structures within the village through flexible use/adaptive re-use and flexible design standards.
- B. **Uses permitted by Right,** in addition to uses permitted by right in the underlying zoning district. Land and buildings in a RVO (Stonersville) District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
- (1) Single family detached dwelling (including single farm dwelling) if permitted by right in the underlying zoning district, and shall comply with all dimensional requirements in the underlying zoning district including, without limitation, the area, yard and height requirements of the underlying zoning district.
  - (2) All forms of agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390- 6, subject to § 390-32.
  - (3) Plant nurseries and greenhouses.
  - (4) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (5) Woodland or game preserve, wildlife sanctuary or similar conservation use.
  - (6) Retail Sales subject to the following:
    - (a) Drive-thru sales are not permitted.

- (b) the proposed retail use:
  - [a] Will not alter the essential character of the neighborhood or district in which the property is located;
  - [b] Will not substantially impair the appropriate use or development of an adjacent property; and
  - [c] Will not be detrimental to the character of the surrounding neighborhood.
- (c) Vehicle fueling operations are not permitted.
- (d) Adult Bookstores are not permitted.
- (7) Banks, savings and loan associations, finance companies and similar types of businesses subject to the restriction that drive-thru services are not permitted.
- (8) Business, professional or governmental offices or studios.
- (9) Personal and household services such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
- (10) Multiple and single family residential use above a business/professional office or retail use (“Dual Use”) subject to the following:
  - (a) Each dwelling unit shall contain at least 500 s.f. of indoor living space and shall include a kitchen and a private bathroom.
  - (b) The density shall not exceed two dwelling units per Acre (2 D.U./Acre).
  - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (d) Off street parking requirements shall be met for each Dual Use separately.
  - (e) The residential dwelling unit, or at least one of the dwelling units in a multiple unit structure, must be occupied by the owner or manager of the business use located below the residence(s).
- (11) Roadside Stands for the sale of farm products grown on the premises per § 390-32A(8)
- (12) Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the sale and repair of farm machinery, subject to the following:
  - (a) The business shall be conducted on a farm.

- (b) The business shall be conducted only by the proprietor of the farm on which the business is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
    - (c) The conduct of the business shall be secondary to the use of the farm for agricultural activities.
  - (13) Butcher Shops, bakeries, and similar establishments where products are not consumed on-site.
  - (14) Municipal use.
  - (15) No Impact Home Based Business subject to § 390-39.
  - (16) Yard sale per § 390-64.
  - (17) Home Occupation subject to § 390-40.
  - (18) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.
- C. Uses Permitted by Special Exception in addition to the uses permitted by Special Exception in the underlying zoning district.
- (1) The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H and the following requirements:
    - (a) The minimum lot size for a use permitted by Special Exception in the underlying AP Zoning District shall be 10 acres.
    - (b) The minimum lot size for a use permitted by Special Exception in the underlying R Zoning District shall be one (1) acre.
  - (2) Special exception uses.
    - (a) Churches or similar places of worship.
    - (b) State licensed day care center, and nursery school.
    - (c) Outdoor recreation uses including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except miniature golf courses and driving ranges), swimming areas and pools, hiking trails, trails for non-motorized bicycles, boating, and fishing.
    - (d) Fire Company.
    - (e) Single family detached dwelling if permitted by special exception in the underlying zoning district, and shall comply with all requirements in the underlying zoning district including without limitation, the area, yard and height requirements of the underlying zoning district.
    - (f) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

- D. Uses Permitted by Conditional Use in addition to the uses permitted by Conditional Use in the underlying zoning district. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90:
- (1) Bed and Breakfast per § 390-63.
  - (2) Seasonal Outdoor Recreational Activities subject to § 390-33.
  - (3) Hotels subject to the following:
    - (a) There shall be no cooking facilities or laundry facilities in any guest room as would require fire suppression systems by the Department of Agriculture.
    - (b) Overnight lodging accommodations shall not exceed thirty (30) consecutive nights per patron.
    - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (4) Restaurants, taverns and similar types of establishments subject to the following:
    - (a) Cabarets are not permitted.
    - (b) Drive-thru restaurants are not permitted.
    - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (5) Automotive service and repair facilities subject to the following:
    - (a) Vehicle fueling operations are not permitted.
    - (b) All service and repair activities shall be performed within an enclosed building.
    - (c) All outdoor storage shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties or public streets pursuant to § 390-31 of this Chapter.
    - (d) Retail sales of vehicles are not permitted.
  - (6) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations

<b>Rural Village Overlay (Stonersville)</b>	<b>AP District</b>	<b>R District</b>
<b>Maximum Building Height – Principal Building</b>		
Farm Buildings or structures (non-residential)	<b>No Restriction</b>	<b>No Restriction</b>
All Other buildings or structures	35 Feet	35 Feet
<b>Maximum Impervious Cover (Structures and Paved Areas)</b>		
Agricultural Uses including farm dwelling	20 percent of lot area	20 percent of lot area
Residential Uses	<b>(see Paved Area Limitation in Section 401.5)</b>	<b>(see Paved Area Limitation in Section 402.5)</b>
Non-residential and Dual Uses	30 percent of lot area	30 percent of lot area
<b>Minimum Lot Area</b>	40 acres	1 acre
<b>Minimum Building Setback</b>	25 feet	25 feet
<b>Minimum Rear Yard</b>	30 feet	30 feet
<b>Minimum Side Yard – RVO (Stonersville)</b>		
Agricultural Uses Total	100 feet	50 feet
Agricultural Uses One Side	50 feet	25 feet
All Other Uses Total	40 feet	40 feet
All Other Uses One Side	20 feet	20 feet
<b>Minimum Open Area</b>		
Agricultural Uses	80 percent of lot area	80 percent of lot area
Residential Uses	<b>(see Section 401.5)</b>	<b>(see Section 402.5)</b>
Non-Residential and Dual Uses	70 percent of lot area	70 percent of lot area

F. Environmental Performance Standards. See § 390-35.

G. Design Standards. In addition to the design standards defined in § 390-35, the following design standard shall apply to all uses in the RVO district:

- (1) No more than three (3) of the allowed uses nor more than three (3) different commercial enterprises shall be allowed in a single building or on a single lot.

**§ 390-20. RVO – Rural Village Overlay (Limekiln)**

Eligibility for the RVO (Limekiln) District is extended to the properties designated as such on the Township Zoning Map.

- A. **Specific Intent.** It is the purpose of this overlay to provide an elective alternative to the regulations otherwise applicable in the portion of the underlying zoning district where the RVO (Limekiln) is eligible to be used and to recognize the historical uses in this area of the Township and to permit a mix of agricultural use, residential use and low-impact commercial use intended to serve the needs of the residents while recognizing the limitations imposed by the absence of public water and public sewer facilities. Specific objectives of this overlay shall be:
- (1) Preservation of the historic, rural character of the village of Limekiln by allowing future development that is compatible in scale, density and setbacks with current village uses.
  - (2) Accommodation of limited expansion of the village while maintaining the traditional village development pattern.
  - (3) Accommodation of limited expansion through dual use (residential and commercial) of structures consistent with traditional village uses.
  - (4) Accommodation of limited expansion consistent with the availability of potable on-site water supplies and on-site sewage disposal system(s) that meet all applicable DEP standards.
  - (5) Preservation of historic and traditional structures within the village through flexible use/adaptive re-use and flexible design standards.
- B. **Uses permitted by Right,** in addition to uses permitted by right in the underlying zoning district. Land and buildings in a RVO District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
- (1) Single family detached dwelling (including single farm dwelling) if permitted by right in the underlying zoning district, and shall comply with all dimensional requirements in the underlying zoning district including, without limitation, the area, yard and height requirements of the underlying zoning district.
  - (2) All forms of agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390-6 subject to § 390-32.
  - (3) Plant nurseries and greenhouses.
  - (4) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (5) Woodland or game preserve, wildlife sanctuary or similar conservation use.
  - (6) Retail Sales subject to the following:
    - (a) Drive-thru sales are not permitted.

- (b) the proposed retail use:
  - [a] will not alter the essential character of the neighborhood or district in which the property is located;
  - [b] will not substantially impair the appropriate use or development of an adjacent property; and
  - [c] will not be detrimental to the character of the surrounding neighborhood.
- (c) Vehicle fueling operations are not permitted.
- (d) Adult Bookstores are not permitted.
- (7) Banks, savings and loan associations, finance companies and similar types of businesses subject to the restriction that drive-thru services are not permitted.
- (8) Business, professional or governmental offices or studios.
- (9) Personal and household services, such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
- (10) Multi- and single family residential use above a business/professional office or retail use (“Dual Use”) subject to the following:
  - (a) Each dwelling unit shall contain at least 500 s.f. of indoor living space and shall include a kitchen and a private bathroom.
  - (b) The density shall not exceed two dwelling units per Acre (2 D.U./Acre).
  - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (d) Off street parking requirements shall be met for each individual use comprising a Dual Use separately.
  - (e) The residential dwelling unit, or at least one of the dwelling units in a multiple unit structure, must be occupied by the owner or manager of the business use located below the residence(s).
- (11) Roadside Stands for the sale of farm products grown on the premises per § 390-32A(8).
- (12) Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the sale and repair of farm machinery, subject to the following:
  - (a) The business shall be conducted on a farm.

- (b) The business shall be conducted only by the proprietor of the farm on which the business is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
    - (c) The conduct of the business shall be secondary to the use of the farm for agricultural activities.
  - (13) Butcher Shops, bakeries, and similar establishments where products are not consumed on-site.
  - (14) Municipal use.
  - (15) No Impact Home Based Business subject to § 390-39.
  - (16) Yard sale per § 390-64.
  - (17) Home Occupation subject to § 390-40.
  - (18) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.
- C. Uses Permitted by Special Exception in addition to the uses permitted by Special Exception in the underlying zoning district.
- (1) The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H and the following requirements:
    - (a) The minimum lot size for a use permitted by Special Exception in the underlying AP Zoning District shall be 10 acres.
    - (b) The minimum lot size for a use permitted by Special Exception in the underlying RC Zoning District shall be three (3) acres.
  - (2) Special exception uses.
    - (a) Churches or similar places of worship.
    - (b) State licensed day care center, or nursery school.
    - (c) Outdoor recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except miniature golf courses and driving ranges), swimming areas and pools, hiking trails, trails for non-motorized bicycles, boating, and fishing.
    - (d) Fire Company.
    - (e) Single family detached dwelling if permitted by special exception in the underlying zoning district, and shall comply with all requirements in the underlying zoning district including without limitation, the area, yard and height requirements of the underlying zoning district.
    - (f) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

- D. Uses Permitted by Conditional Use in addition to the uses permitted by Conditional Use in the underlying zoning district. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90:
- (1) Bed and Breakfast per § 390-63.
  - (2) Seasonal Outdoor Recreational Activities subject to § 390-33.
  - (3) Hotels, subject to the following:
    - (a) There shall be no cooking facilities or laundry facilities in any guest room as would require fire suppression systems by the Department of Agriculture.
    - (b) Overnight lodging accommodations shall not exceed thirty (30) consecutive nights per patron.
    - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (4) Restaurants, taverns and similar types of establishments subject to the following:
    - (a) Cabarets are not permitted.
    - (b) Drive-thru restaurants are not permitted.
    - (c) When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
  - (5) Automotive service and repair facilities subject to the following:
    - (a) Vehicle fueling operations are not permitted.
    - (b) All service and repair activities shall be performed within an enclosed building.
    - (c) All outdoor storage shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties or public streets, pursuant to § 390-31 of this Chapter.
    - (d) Retail sales of vehicles are not permitted.
  - (6) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations

<b>Rural Village Overlay - Limekiln</b>	<b>AP District</b>	<b>RC District</b>
<b>Maximum Building Height – Principal Building</b>		
Farm Buildings and Structures (non-residential)	<b>No Restriction</b>	<b>No Restriction</b>
All Other buildings and structures	35 Feet	35 Feet
<b>Maximum Impervious Cover (Structures and Paved Areas)</b>		
Agricultural Uses including farm dwelling	20 percent of lot area	10 percent of lot area
Residential Uses	(see Paved Area Limitation in § 390-12E)	(see Paved Area Limitation in § 390-11E)
Non-residential and Dual Uses	30 percent of lot area	30 percent of lot area
<b>Minimum Lot Area</b>	40 acres	3 acres
<b>Minimum Building Setback</b>	25 feet	25 feet
<b>Minimum Rear Yard</b>	30 feet	30 feet
<b>Minimum Side Yard – RVO (Limekiln)</b>		
Agricultural Uses Total	100 feet	50 feet
Agricultural Uses One Side	50 feet	25 feet
All Other Uses Total	40 feet	40 feet
All Other Uses One Side	20 feet	20 feet
<b>Minimum Open Area</b>		
Agricultural Uses	80 percent of lot area	80 percent of lot area
Residential Uses	(see § 390-12E)	(see § 390-11E)
Non-Residential and Dual Uses	70 percent of lot area	70 percent of lot area

F. Environmental Performance Standards. See § 390-35.

G. Design Standards. In addition to the design standards defined in § 390-34, the following design standard shall apply to all uses in the RVO (Limekiln) District:

- (1) No more than three (3) of the allowed uses nor more than three (3) different commercial enterprises shall be allowed in a single building or on a single lot.

**ARTICLE V**  
**Commercial and Industrial Zoning Districts**

**§ 390-21. NC - Neighborhood Commercial District.**

- A. **Specific Intent.** It is the purpose of this District to provide an area for commercial uses which service the day to day needs of surrounding residential areas and which will not have adverse effects on those residential areas.
- B. **Uses Permitted by Right.** Land and buildings served by public water and public/community sewer in an NC District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
- (1) Retail sales (except adult book stores).
  - (2) Business, professional or governmental office or studio.
  - (3) Banks, savings and loan associations, finance companies or similar types of businesses.
  - (4) Restaurants, taverns or similar types of establishments, except cabarets.
  - (5) Personal and household service establishments, such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
  - (6) Municipal use.
  - (7) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (8) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (9) Yard Sale per § 390-64.
  - (10) Boarding Kennel (short term) subject to § 390.71.1
  - (11) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A)
- C. **Uses Permitted by Special Exception.** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, or day care centers.
    - (a) Schools shall be allowed a height limit of 50’.
  - (2) Convenience Store (no fueling stations).
  - (3) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90:
- (1) Bed and Breakfast per § 390-63.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- E. Area, Yard and Height Regulations.

<b>Neighborhood Commercial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	50 feet
LOT COVERAGE	50 percent of lot area
PAVED AREA	60 percent of lot area
BUILDING LENGTH	70 percent of Lot Width
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE Per separately deeded parcel or combination of parcels	12,000 square feet
Per leased pad site	4,000 square feet
BUILDING SETBACK	20 feet
LOT WIDTH At Street Line At Building Setback	60 feet 60 feet
OPEN AREA	20 percent of lot area
SIDE YARD Total One Side	20 feet 12 feet
REAR YARD	20 feet
IMPROVEMENT SETBACK	10 feet
DISTANCE BETWEEN BUILDINGS	20 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	50 feet

- F. Performance Standards. In addition to the applicable performance standards of § 390-35, the following performance standards shall apply:
- (1) No more than ten percent (10%) of the floor area devoted to retail sales shall be permitted on display outside a building.
- G. Design Standards. The design standards defined in § 390-34 shall apply to all uses in an NC District.

**§ 390-22. HC - Highway Commercial District.**

- A. Specific Intent. It is the purpose of this District to provide an area which, in addition to providing for uses which service the day to day needs of surrounding residential areas, service other commercial uses which are advantageously located near a major highway, serve highway uses or serve greater geographical areas either as individual uses, a combination of uses or as part of a shopping center which may consist of one or more buildings either under common ownership or unified control.
- B. Uses Permitted by Right. Land and buildings served by public water and public/community sewer in an HC District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
- (1) Retail and wholesale sale of goods, prepared foods and services, except adult bookstores.
  - (2) Business, professional or governmental office or studio.
  - (3) Banks, savings and loan associations, finance companies or similar types of businesses.
  - (4) Municipal use.
  - (5) Funeral Home/Crematorium.
  - (6) Commercial school for the teaching of trades, arts or skills.
  - (7) Personal and household service establishments such as, but not limited to barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
  - (8) Fire Company.
  - (9) Plant nursery.
  - (10) Motels and hotels.
  - (11) Restaurants, taverns and similar types of establishments, except cabarets.
  - (12) Offices of plumbers, masons, carpenters, heating contractors, homebuilders and similar personnel.
  - (13) Club or lodge for fraternal or social purposes provided that all activities shall be conducted within buildings or structures.
  - (14) Indoor Theater and place of indoor amusement or recreation.
  - (15) Lumber and building materials supply establishments.
  - (16) Golf course, driving range or miniature golf course, or tennis courts.
  - (17) Motor vehicle service station, subject to:
    - (a) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
    - (b) All repair activities shall be carried out within a building.

- (18) Repair garage, subject to:
    - (a) All repair activities shall be performed within a building.
    - (b) All outdoor storage of dismantled vehicles; automobile parts and similar items shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties or public streets.
  - (19) Car wash, subject to:
    - (a) No water used in the washing of cars shall be discharged onto public roads or onto other properties.
    - (b) Car washing activities shall be carried out within a building.
    - (c) An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed, except that in the case of a facility where only one (1) is provided the approach drive or parking area shall be constructed to accommodate a minimum of ten (10) cars.
  - (20) Self-Storage units.
  - (21) Telecommunication Towers: See also Chapter 344, Telecommunications
  - (22) Office of veterinarian.
  - (23) Hospital/Surgical Center.
  - (24) Jr. College/College/University.
  - (25) Convenience store with fueling stations.
  - (26) Auto Sales Lot subject to § 390-341.
  - (27) Shopping Center subject to § 390-23H.
  - (28) Forestry activities, including, but not limited to, Timber Harvesting per § 390-56.
  - (29) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (30) Yard Sales per § 390-64.
  - (31) Boarding Kennel (short-term) subject to § 390.71.1
  - (32) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) Churches or similar places of worship.
  - (2) Nursing home, convalescent home, personal care home or retirement home.

- (3) State licensed day care centers and nursery schools.
  - (4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
- D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.
- (1) Bed and Breakfast per § 390-63.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations.

<b>Highway Commercial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	50 feet
LOT COVERAGE	50 percent of lot area
PAVED AREA	75 percent of lot area
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE	
Per separately deeded parcel or combination of parcels	10,000 square feet
Per leased pad site	5,000 square feet
BUILDING SETBACK	30 feet
LOT WIDTH	
At street line	100 feet
At building setback line	100 feet
OPEN AREA	15 percent of lot area
SIDE YARD	
Total	60 feet
One Side	30 feet
REAR YARD	30 feet
IMPROVEMENT SETBACK	20 feet
DISTANCE BETWEEN BUILDINGS	50 feet
Self-Storage Units	30 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	150 feet

- F. Performance Standards. In addition to the applicable performance standards of § 390-35 the following performance standards shall apply:
- (1) When the side and/or rear yard of a lot adjoins land zoned other than commercial or industrial, or used for residential purposes, a twenty foot (20) buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures, except retaining walls and/or fences are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned commercial or industrial or used for residential purposes.
  - (2) Drive-thru service is permissible provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting area for vehicles waiting to place and pick-up orders, as demonstrated by traffic plans and studies submitted by the applicant. Drive-thru service must be 10-ft from the property line. Covered Drive-thru must meet setbacks.
- (G) Design Standards. The design standards defined in §390-34 apply to all uses in an HC District.

**§ 390-23. SCC - Shopping Center Commercial District.**

- A. Specific Intent. It is the purpose of this District to provide an area for small, unified commercial shopping centers, which provide goods and services to a community trading area.
- B. Uses Permitted by Right. Land and buildings served by public water and public/community sewer in an SCC District may be used for the following purposes and no others unless a Special Exception as provided for in Subsection C or Conditional Use as provide for in Subsection D is granted:
- (1) Shopping Center pursuant to Subsection H.
  - (2) Retail sales (except adult book stores).
  - (3) Business, professional or governmental office or studio.
  - (4) Banks, savings and loan associations, finance companies and similar types of businesses.
  - (5) Restaurants, taverns and similar types of establishments except cabarets.
  - (6) Personal and household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, and shoe and appliance repair shops.
  - (7) Municipal use.
  - (8) Swimming pool, subject to § 390-33.
  - (9) Forestry activities including, but not limited to, Timber Harvesting per § 390-56.
  - (10) Indoor theatre and place of amusement or recreation.
  - (11) Convenience stores with or without fueling stations.
  - (12) Jr. College/College/University.
  - (13) Trade School.
  - (14) Office of veterinarian.
  - (15) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (16) Yard Sale per § 390-64.
  - (17) Boarding Kennel (short term) subject to § 390.71.1
  - (18) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A)
- C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school and day care center.

(a) Schools shall be allowed a height limit of 50’.

(2) Accessory uses and structures to the above permitted uses when on the same lot the permitted use per §§ 390-29 and 390-30.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

(1) Bed and Breakfast per § 390-63.

(2) Flea Market

(3) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations.

<b>Shopping Center Commercial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	50 Feet
LOT COVERAGE	40 percent of lot area
PAVED AREA	70 percent of lot area
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE	
Per separately deeded parcel	3 Acres
Per pad site for sale	1 Acre
Per leased pad site	10,000 square feet
BUILDING SETBACK	100 feet
LOT WIDTH	
At street line	300 feet
At building setback line	300 feet
OPEN AREA	15 percent of lot area
SIDE YARD	
Total	100 feet
One Side	50 feet
REAR YARD	50 feet
IMPROVEMENT SETBACK	20 feet
DISTANCE BETWEEN BUILDINGS	50 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	300 feet

F. Performance Standards. In addition to the applicable performance standards of § 390-35 of this Chapter, the following performance standards shall apply:

(1) No unpackaged goods shall be sold for consumption on premises outside a building except for nonprofit/charitable organizations unrelated to primary business.

(2) When the side and/or rear of a lot adjoin land zoned other than commercial or industrial, or used for residential purposes, a twenty foot (20) buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned commercial or industrial or used for residential purposes.

- (3) Drive-thru service is permissible provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to place or pick-up orders, as demonstrated by traffic plans and studies submitted by the applicant. Drive-thru area must be 10-ft from the property line. Covered Drive-thru must meet setbacks.
- G. Design Standards. The design standards defined in Section 607 apply to all uses in a SCC District.
- H. Shopping Centers Ownership and Control.
  - A. Shopping Centers shall be held under single ownership or under a unified management control plan. If the Board of Supervisors shall have approved development plans for a shopping center in accordance with the SALDO, the subsequent division of the overall shopping center shall contain covenants requiring the owner(s) thereof, and their successors and assigns, at all times, to operate and maintain such lots or parts of the shopping center in good order and repair and in a clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access and utilities shall be maintained between all lots; and that any owner of any lot, parcel or other real estate in shopping center shall covenant and agree to be bound by the conditions set forth in this paragraph.

**§ 390-24. LI - Light Industrial District.**

- A. Specific Intent. It is the purpose of this District to provide an area in which a variety of industrial uses may locate provided that they will not adversely affect the public health, safety and general welfare of the residents and inhabitants of the Township. To accomplish this, performance standards are established.
  
- B. Uses Permitted by Right. Land and buildings in an LI District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
  - (1) Office buildings
  - (2) Wholesaling and warehousing activities, subject to:
    - (a) All roadways, parking and loading areas shall be paved.
    - (b) No loading shall be permitted between the building setback line and the street line.
    - (c) All loading shall be conducted within or adjacent to a building.
  - (3) Printing and publishing activities.
  - (4) Research activities.
  - (5) Municipal use.
  - (6) Parks, except amusement parks and conservation areas.
  - (7) Self-Storage Units.
  - (8) Testing, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, and repair and cleaning activities related thereto, provided that:
    - (a) All such activities shall be carried on within a building, with the exception of such outdoor activities that are ancillary to the foregoing permitted uses, which shall comply with all other applicable requirements of this ordinance and all other Township ordinances.
    - (b) An Environmental Assessment, as provided for in § 390-55, shall be submitted to the Township.
  - (9) Electric Power Production, pursuant to § 390-67.
  - (10) Trade School.
  - (11) Jr. College/College/University.
  - (12) Telecommunication Towers: See also Chapter 344, Telecommunications.
  - (13) Telephone and telecommunications equipment.
  - (14) Forestry activities including, but not limited to, Timber Harvesting per §390-56.
  - (15) Accessory uses and structures to the above permitted uses when on the same lot as

the permitted use per §§ 390-29 and 390-30.

- (16) Yard Sales per § 390-64.
- (17) Boarding Kennel (short-term) subject to § 390.71.1
- (18) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A).

C. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:

- (1) Convenience Store without Fueling Stations
- (2) Retail Sale of Goods produced on the premises.
- (3) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school and day care center.
  - (a) Schools shall be allowed a height limit of 50'.
- (4) Airport/Heliport, Private
- (5) Amusement Park
- (6) Drive-in Movie Theater
  - (a) The movies shown on the movie screen shall not be visible from public roads.
  - (b) No access point shall be permitted to U.S. Route 422. All access points shall be to a road which intersects U.S. Route 422 at a traffic light.
  - (c) The drive-in theater shall be surrounded by a twenty foot (20) buffer yard in which shall be placed a year-round screen of a minimum height of eight feet (8').
- (7) Indoor Recreation
- (8) Restaurants/Taverns
- (9) Group Home, pursuant to § 390-71.3.
- (10) Correctional Facility and Group Institution, pursuant to § 390-71.4.
- (11) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

D. Uses permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.

- (1) Flea Market

- E. Area, Yard and Height Regulations (All uses except Electric Power Production per §§ 390-67 and 68).

<b>Light Industrial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT (except for stack) – PRINCIPAL BUILDING	80 feet
LOT COVERAGE	40 percent of lot area
PAVED AREA	50 percent of lot area
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE	2 acres
BUILDING SETBACK	50 feet
LOT WIDTH	
At street line	150 feet
At building setback line	200 feet
<b>Light Industrial District continued</b>	
OPEN AREA	35 percent of lot area
SIDE YARD	
Total	100 feet
One Side	50 feet
REAR YARD	50 feet
IMPROVEMENT SETBACK	20 feet
DISTANCE BETWEEN BUILDINGS	50 feet
Self-Storage Units	30 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	100 feet

- F. Performance Standards. See § 390-35.

- G. Design Standards. See § 390-34.

**§ 390-25. GI - General Industrial District.**

- A. Specific Intent. It is the purpose of this District to provide an area in which a variety of industrial uses may locate provided that they will not adversely affect the public health, safety and general welfare of the residents and inhabitants of the Township. To accomplish this, performance standards are established. In addition, certain open land uses are permitted if Conditional Uses can be secured.
  
- B. Uses Permitted by Right. Land and buildings in a GI District may be used for the following purposes and no others, unless a Conditional Use as provided for in Subsection C or a Special Exception as provided for in Subsection D is granted:
  - (1) Administrative offices for the use permitted in Subsection B(2) through (6) below.
  - (2) Wholesaling and warehousing activities, subject to:
    - (a) All roadways, parking and loading areas shall be paved.
    - (b) No loading shall be permitted between the building setback line and the street line.
    - (c) All loading shall be conducted within or adjacent to buildings.
  - (3) Printing and publishing activities.
  - (4) Research activities.
  - (5) Municipal use.
  - (6) Testing, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, and repair and cleaning activities related thereto, provided that:
    - (a) All such activities shall be carried on within a building, with the exception of such outdoor activities that are ancillary to the foregoing permitted uses, which shall comply with all other applicable requirements of this ordinance and all other Township ordinances.
    - (b) An Environmental Assessment Statement, as provided for in § 390-55 shall be submitted to the Township.
  - (7) Railroad terminal, subject to:
    - (a) All areas used for storage or rolling equipment, classification yards and freight or passenger loading shall be surrounded by a fence at least six feet (6) in height.
    - (b) All crossing of tracks at grade for pedestrians shall be posted and vehicle crossing shall utilize warning lights.
  - (8) Telecommunication Towers: See also Chapter 344 Telecommunications.
  - (9) Truck Terminals.
  - (10) Telephone and telecommunications equipment.
  - (11) Electric Power Production pursuant to § 390-67.

- (12) Cogeneration Electric Power Production, pursuant to § 390-68, as an accessory use to a sanitary landfill.
  - (13) Forestry activities including, but not limited to, Timber Harvesting per § 390-56. as the permitted use per § 390-30.
  - (14) Accessory uses and structures to the above permitted uses when on the same lot
  - (15) Boarding Kennel (short-term) subject to § 390.71.1
  - (16) Passive Agriculture, subject to compliance with all applicable provisions of Section 390-32(A)
- C. Uses Permitted by Conditional Use. The following uses are permitted when a Conditional Use is granted by the Township Supervisors in accordance with § 390-90.
- (1) Junk Yard, subject to:
    - (a) The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
    - (b) No garbage or organic waste shall be stored.
    - (c) Whenever any motor vehicle or part thereof shall be received in the junkyard, and shall not be held for resale as an operating unit, all gasoline and oil shall be removed from the motor vehicle or part thereof.
    - (d) The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting purposes.
    - (e) The manner of storage, arrangement of materials and drainage facilities shall be such as to prevent the accumulation of stagnant water upon the premises.
    - (f) No open burning shall be permitted.
    - (g) All junk yards shall be completely enclosed, except at entrances, by an evergreen planting screen of a minimum height of six feet (6') which shall be backed by a fence at least six feet (6') in height. The fence shall contain gates at all entrances, which shall be locked except during operating hours.
    - (h) No materials shall be stored less than fifty feet (50) from any street outside the lot on which the junkyard is located and no materials shall be stored less than fifty feet (50') from a lot line of the lot on which the junk yard is located.
    - (i) No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junk yard, provided that in no cases shall materials be stacked to a height exceeding ten feet (10).
  - (2) Sanitary landfill, subject to the Exeter Township Landfill Ordinance (Chapter 316, Article I) or its successors and any and all current regulations of the Pennsylvania Department of Environmental Protection.

- (3) Surface mining activities, subject to:
- (a) The filing with the Township of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and Federal Governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Township. Said plans shall show or describe the following:
    - [1] The use to which the land was put prior to the commencement of surface mining.
    - [2] The use, which is proposed to be made of the land following reclamation.
    - [3] The manner in which topsoil and subsoil will be conserved and restored.
    - [4] Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
    - [5] A complete landscaping program.
    - [6] A timetable for the accomplishment of each major step in the reclamation plan.
  - (b) The periodic filing with the Township of copies of any and all reports which set forth the current status of reclamation work performed and activities undertaken to implement Storm Water Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies. When verified in writing by the governmental agency or body having jurisdiction, non-compliance with any approved Reclamation Plan, Erosion and Sediment Control Plan, or Storm Management Plan shall be grounds for issuance of a Stop Order under § 390-87 of this Chapter, until such non-compliance is corrected.
  - (c) An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Township Supervisors. Such plans shall be designed to prevent adverse effects from water runoff, erosion and sedimentation on adjoining streams, properties and streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received in lieu of such plans if they have been prepared cover such subject matter.
  - (d) A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation which will be used by trucks entering and leaving the site shall be submitted to the Township Supervisors. The plan shall state that all such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operation will not deposit excessive or accumulating amounts of mining products, dirt, mud or other such substances on public roads.
  - (e) No surface mining operations which will result in the creation of an elevation difference in excess of ten feet (10') between the surface of the mine and any adjacent property or public road shall be carried out within

two hundred feet (200') of such a property, nor within two hundred feet (200') of such public road.

- (f) No storage of products, by-products, overburden or cover material shall be permitted to reach a height in excess of fifty feet (50'). No such storage shall be permitted within one hundred fifty feet (150') of a property line of the mining operation or a public road.
- (g) All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the Federal government within a radius of three-quarters (3/4) of a mile of the. Blasting shall not be permitted on Sundays and legal holidays. Notice of all blasting operations shall be given to the Township and the occupants of all properties within a radius of three-quarters (3/4) of a mile of the location of blasting at least twenty-four (24) hours prior to the commencement of blasting.
- (h) All other State and Federal requirements pertaining to surface mining activities, air pollution and noise shall be complied with. When a license is required from the State, a copy of such license shall be filed with the Township along with evidence that any bond required for completion of the reclamation plan has been filed with the State.
- (i) The minimum lot size for any surface mining operation shall be ten (10) acres.
- (j) No operations shall be carried out on Sundays or legal holidays, nor between the hours of 6:00 P.M. and 8:00 A.M.
- (k) Planting screens to screen mining operations from adjoining exclusively residential properties shall be placed along the property lines of the mining operations.
- (l) Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
- (m) Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
- (n) No substance which can harm person, animals, vegetation or other forms of property shall be dispersed beyond the property lines of the mining operation.
- (o) When required by the Township Board of Supervisors, a hydrogeologic study shall be submitted to the Township, which shall indicate the impact of the surface mining activity on ground water supplies and quality in the area of the operations. Surface mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of

water adequate in quantity and quality for the purposes served by the supply.

- (p) Surface mining shall be defined as: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock or other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mining openings are not included in this definition.
  - (4) Adult book stores, adult motion picture theaters, cabarets and massage parlors.
    - (a) No building containing an adult motion picture theater, cabaret, adult book store, or massage parlor shall be located within a five hundred foot (500') radius of any building housing a school or church, a playground or other recreational area, or RC, SR0, SR1, SR2, SR3, AP, R, NC, HC, SCC or UR Districts.
  - (5) Motorcycle, ATV Recreational and Race Tracks: Race tracks, or facilities when approved as a Conditional Use with the following restrictions:
    - (a) The entire site shall be enclosed with a minimum 6ft. high opaque fence to minimize noise and distractions to traffic.
    - (b) Noise levels shall not exceed 55 dB(A) at any time, measured at the property line.
    - (c) No dust shall leave the site.
  - (6) Parks, except amusement parks and conservation areas.
  - (7) Undefined land uses or other land uses, subject to § 390-71.2 of the Code.
- D. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
- (1) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school and day care center.
    - (a) Schools shall be allowed a height limit of 50'.
  - (2) Tank Farm/Fuel Depot subject to § 390-65.
  - (3) Airport/Heliport subject to § 390-53.

E. Area, Yard and Height Regulations

<b>General Industrial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT (except Stacks) – PRINCIPAL BUILDING	80 feet
LOT COVERAGE	40 percent of lot area
PAVED AREA	50 percent of lot area
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE	5 acres
BUILDING SETBACK	100 feet
LOT WIDTH At Street Line At Building Setback Line	feet 300 feet
OPEN AREA	40 percent of lot area
SIDE YARD Total One Side	200 feet 100 feet
REAR YARD	100 feet
IMPROVEMENT SETBACK	50 feet
DISTANCE BETWEEN BUILDINGS	50 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	100 feet

F. Performance Standards. See § 390-35.

G. Design Standards. See § 390-34.

**§ 390-26. ROC - Restricted Office Commercial District**

- A. **Specific Intent.** It is the purpose of this District to provide an area for commercial uses which service the day to day needs of surrounding residential areas and which will not have adverse effects on those residential areas.
- B. **Uses Permitted by Right.** Land and buildings served by public water and public/community sewer in an ROC District may be used for the following purposes and no others, unless a Special Exception as provided for in Subsection C or Conditional Use as provided for in Subsection D is granted:
  - (1) Single Family detached dwelling.
  - (2) Any use permitted by right within the NC Neighborhood Commercial Zoning District, Section 390-21(B), excepting that drive-throughs shall not be permitted.
  - (3) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.
  - (4) No Impact Home Based Business, subject to § 390-39.
- C. **Uses Permitted by Special Exception.** The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H:
  - (1) State licensed nursery school, public school, elementary school, middle school, junior high school, senior high school, charter school, or day care center.
    - (a) Schools shall be allowed a height limit of 50’.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §390-29 and 390-30.
- D. **Uses permitted by Conditional Use.** The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with § 390-90.
  - (1) Bed and Breakfast per §390-63.
  - (2) Accessory uses and structures to the above permitted uses when on the same lot As the permitted use per §§ 390-29 and 390-30.

E. Area, Yard and Height Regulations.

<b>Restricted Office Commercial District</b>	<b>MAXIMUM PERMITTED</b>
BUILDING HEIGHT – PRINCIPAL BUILDING	35 feet
LOT COVERAGE	40 percent of lot area
PAVED AREA	40 percent of lot area
BUILDING LENGTH	70 percent of Lot Widths
<b>MINIMUM REQUIREMENTS</b>	
LOT SIZE Per separately deeded parcel or combination of parcels	12,000 square feet
Per leased pad site	4,000 square feet
BUILDING SETBACK	20 feet
LOT WIDTH At Street Line At Building Setback	60 feet 60 feet
OPEN AREA	40 percent of lot area
SIDE YARD Total One Side	20 feet 12 feet
REAR YARD	20 feet
IMPROVEMENT SETBACK	10 feet
DISTANCE BETWEEN BUILDINGS	20 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	50 feet

F. Performance Standards. See § 390-35.

G. Design Standards. The design standards defined in § 390-34 shall apply to all uses in an ROC District.

**Article VI  
General Regulations**

**§ 390-27. Access to Structure.**

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right of access to a public street or approved private street exists. After the effective date of this Chapter, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors. Flag lots shall not be permitted.

**§ 390-28. Erection of More Than One Principal Structure on a Lot.**

Not more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot unless a development plan is submitted to and approved by the Board of Supervisors, after review by the appropriate Planning Commission, as provided in the PA Municipal Planning Code.

**§ 390-29. Residential Accessory Buildings, Structures and Uses.**

The following shall apply to residential accessory buildings, structures and uses:

A. General

- (1) Except as noted elsewhere in this Chapter, no accessory building or structure shall be permitted within any required front or side yard or within ten feet (10') of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or ten feet (10'), whichever is less.
- (2) The maximum height of any accessory building or structure shall be twenty feet (20').
- (3) The minimum distance between any accessory buildings or structures shall be five feet (5'). The minimum distance between any accessory building or structure and a principal building shall be five feet (5').
- (4) No permanent accessory building or structure, except for storage sheds conforming to subsection B (10) shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory. Exception: residential accessory structure on adjoining lot with contiguous road frontage and deeded to same property owner.

B. Use Regulations

- (1) Swimming Pool - swimming pools shall be entirely enclosed with a permanent barrier or fence not less than four feet (4') in height, such fence having no opening with a dimension greater than four inches (4") on a side (or in diameter in the case of round openings). Walls of buildings may serve as part of the fence or barrier. Where such pools are of the type having above-ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate, which shall be securely locked when not in use. Above-ground pools shall have a ladder or stairway, which can be removed or rendered unusable, and the entrance to the pool shall be capable of being securely closed to a height of four feet (4'). When draining or backwashing swimming pools, water shall not be drained onto other properties without the owners'

consent. Hot Tubs/Spas and inflatable pools in lieu of four foot (4') fence, must have covers that secure to prevent access when not in use.

- (2) Detached Garages - The maximum length of any side of a garage serving a dwelling shall be forty feet (40'). No such garage shall be located within ten feet (10') of a dwelling. No temporary structures shall be permitted.
- (3) Apartment and Townhouse Accessory Uses - shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- (4) Tennis/Basketball Court - shall have permanent fences at least ten feet (10') in height behind each baseline, extending at least ten feet (10') beyond the playing area in each direction.
- (5) Patios, Terraces - shall not be located closer than ten feet (10') to any lot line, except a lot line that is an extension of a common wall, and shall not project into any required front yard.
- (6) Animal Shelter - shall not be located within ten feet (10') of the rear or side lot lines; shall not be located in any front yard. The keeping of domestic farm animals other than horses shall be considered an agricultural use. The keeping of horses shall be permitted provided the minimum lot size is two (2) acres and the requirements of Sections § 390-32.A and B are met.
- (7) No agricultural uses shall be permitted except individual gardens for home consumption; such gardens shall not be located within front yards.
- (8) Earth Station Satellite Receiving Dishes - all freestanding earth station satellite receiving dishes, mounted at ground level, shall be considered accessory structures, and the same shall be subject to the provisions of Subsection A.
- (9) Sporting Equipment such as but not limited, to Basketball Nets and Poles/Skateboard Ramps/Street Hockey Nets shall not be located within a street right-of-way at any time, or located such that their use would be from the street (cartway).
- (10) Storage Sheds - Storage sheds up to 100 square feet and without foundations shall be located no closer than two feet (2') from any rear or side yard line. Storage sheds up to 100 square feet and with foundations shall be located no closer than five feet (5') from any rear or side yard line. Storage sheds over 100 square feet shall conform to Subsection A(1). Storage sheds are not permitted in any front yard.

**§ 390-30. Non-Residential Accessory Buildings, Structures and Uses.**

The following shall apply to nonresidential accessory buildings, structures and uses:

**A. General**

- (1) No building or structure shall be located within any required yard setback.
- (2) The minimum distance between any accessory buildings or structures shall be five feet (5'). The minimum distance between any accessory building or structure and a principal building shall be five feet (5').

B. Use Regulations

- (1) Storage Facilities - all such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets and no such area shall be located within fifty feet (50') of any street line.
- (2) Living Quarters - Living quarters shall be permitted only for proprietors, watchmen, caretakers or similar employees, unless otherwise provided in this Chapter.
- (3) Garages and Maintenance Buildings - shall not be located within any required yard.
- (4) Cafeteria - shall be operated during business hours and conducted within a building.
- (5) Recreational Facilities - shall be contained within a building or within a landscaped area at least fifty feet (50') from all lot lines.

**§ 390-31 Landscaping/Screening**

- A. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Planning Commission prior to planting. The type and density of planting shall adequately provide the screening effect required year-round.
- B. Plant materials used in screen planting shall be least five feet (5') in height when planted and should reach the required height and density within three (3) years.
- C. The screen planting shall be maintained permanently and plant material, which does not live, shall be replaced within one (1) year.
- D. For non-residential and non-agricultural uses, any part of a site which is not used for building or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. The overall landscaping plan shall be subject to approval by the Township in accordance with the provisions of the Exeter Township Subdivision and Land Development Ordinance.
- E. Landscaped Buffers and Screens: Suitable vegetation, earth berms, fences, and/or walls shall be installed along streets and between lots, zoning districts, and differing land uses to reduce negative impacts and enhance the natural and aesthetic character of the community. (Also see § 390-34)
- F. All landscaped areas shall be designed in accordance with PA Best Management Practices. Landscaped areas shall be planted with native vegetation, subject to approval of the Board of Supervisors, or its designated representative(s) and/or committee(s).

**§ 390-32 Agricultural Use Regulations.**

A. General Agricultural Standards

- (1) Agricultural uses shall be conducted on a farm, which shall be a minimum of three (3) acres in size.
- (2) General Agricultural uses shall be limited to a maximum of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on

an annualized basis. Uses exceeding 2.0 animal equivalent units per acre are classified as intensive agricultural uses and are subject to the Intensive Agricultural Standards of Subsection B. Animals not defined in the AEU table of § 390-6 shall be limited to one (1.0) per acre.

- (3) No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
- (4) All grazing or pasture areas utilized for this purpose shall be fenced.
- (5) No slaughter area or manure storage shall be established closer than two hundred feet (200') to any property line.
- (6) Except as noted in the AP Zoning District, no more than one (1) single family detached dwelling shall be permitted for each farm.
- (7) To control erosion and pollution, a buffer zone of twelve feet or as required by the Exeter Township Floodplain Ordinance, whichever is greater, shall be established from the edge of all streams, which shall be kept in an all-season ground cover.
- (8) The sale of farm products is subject to:
  - (a) Signs shall be subject to the provisions of § 390-69.
  - (b) At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
  - (c) Parking spaces for at least three (3) cars shall be provided behind the street line.
  - (d) Sale of farm products shall be conducted from a portable stand, removed at the end of the growing season, or from a permanent building located no closer to the street than the applicable building setback line.

**B. Intensive Agricultural Standards**

- (1) Intensive agricultural activities shall include the following:
  - (a) A Concentrated Animal Operation (CAO) in excess of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis.
  - (b) A Concentrated Animal Feeding Operation (CAFO) where 250 or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.
- (2) No structure used for an intensive agricultural activity shall be located within four hundred feet (400') of any lot line unless a lesser distance is permitted by Act 6 or any other applicable State law.
- (3) All lots for such uses shall have a minimum size of twenty-five (25) acres, unless a larger lot size is required elsewhere in this Zoning Ordinance.
- (4) All open storage shall be screened in such a manner that it shall not be visible from any point on the lot lines.
- (5) No more than three (3) persons not related to the family operating the use shall be

housed on the lot.

- (6) All buildings and structures designated for the use of any regulated activity shall be painted and maintained in good condition.
- (7) A fence shall be maintained around all areas in which animals are kept outside of buildings.
- (8) Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, a public health problem or a public nuisance. Noxious, unpleasant gases or odors of any kind shall not be emitted in such quantities as to be detectable outside the lot lines of the tract occupied by an intensive agricultural operation.
- (9) A Nutrient Management Plan shall be prepared for all proposed Intensive Agricultural uses. The Nutrient Management Plan shall be submitted to the Township and shall be reviewed and approved by the Berks County Conservation District.
- (10) All aspects of mushroom production shall be in accordance with Best Practices for Environmental Protection in the Mushroom Farm Community, prepared under the authority of the Solid Waste Management Act (35 P.S.   60) and regulations at 25 Pa. Code Chapter 289, effective date December 12, 1997. The commercial production, processing, or cultivation of mushrooms shall be construed as an Intensive Agricultural activity and therefore shall comply with the applicable requirements of Subsection B.
- (11) No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or storm disposal system, holding pond, stream or other open body of water, or into the ground unless treated so that the discharge is in total compliance with the standards approved by the appropriate local, state and federal regulatory bodies and/or agencies.
- (12) All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no run-off from said structure onto surrounding lands.
- (13) All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no run-off from said structure onto surrounding lands.

**§ 390-33. Recreational Use Regulations.**

The following controls shall apply to all recreational areas not owned by Exeter Township.

- A. All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreational use, such as the charging of admission, the sale of refreshments and the rental or sale of athletic equipment.
- B. Sleeping accommodations shall be provided only for caretakers and similar types of employees, except in the case of camps intended to provide for overnight accommodations.
- C. Accessory uses shall be restricted to those providing necessary amenities to members and guests.

- D. Minimum lot size shall be five (5) acres.
- E. All buildings shall be set back a minimum of one hundred fifty feet (150') from all lot lines.
- F. Maximum lot coverage shall be five percent (5%).
- G. Maximum paved area shall be ten percent (10%).
- H. Minimum lot width shall be three hundred fifty feet (350').
- I. Lighting shall be in accordance with the Exeter Township Lighting Ordinance #626 or its successor.
- J. The noise level emanating from a use must comply with the Exeter Township Noise Ordinance.
- K. A complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use.
- L. All storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.
- M. No driveway or street to service a use shall be located within one hundred feet (100) from the intersection of any street lines. When any driveway or street shall provide access for more than one hundred (100) parking spaces, the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs.
- N. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, the traffic lanes shall be restricted to one-way permitting head-on parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10') in width. Areas for loading shall be separate from customer parking areas.
- O. Trails for motorized bicycles shall be located no less than fifty feet (50') from a lot line.
- P. An Erosion and Sedimentation Control Plan shall be approved by the Township Engineer.

**§ 390-34. Design Standards for Commercial, Industrial, and Educational Uses.**

Design standards for commercial, industrial, and educational uses are as follows:

- A. Screening - a complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use or residential zoning district.
- B. Storage - all storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.

- C. Landscaping - any part or portion of a site which is not used for building area or parking area shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with twenty-five (25) or more spaces shall include parking area landscaping of an area that is equal to at least ten percent (10%) of the area covered by parking spaces and aisle ways: said landscaped area shall be in addition to the open area requirements of the applicable zoning district, except in Highway Commercial where the requirement shall be included within the 15% open space requirement. The overall parking area design and associated landscaping shall be subject to approval by the Township in accordance with the provisions of the Exeter Township Subdivision and Land Development Ordinance.
- D. Access and Traffic Control - No driveway or street to service a use shall be located within one hundred feet (100) from the intersection of any street lines. When any driveway or street shall provide access for more than one hundred (100) parking spaces, the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and land markings and signs.
- E. Interior Circulation - the interior circulation of traffic shall be designed so that no driveway providing parking spaces shall be used as a public through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10) in width. Areas for loading shall be separate from customer parking areas.
- F. Shopping Cart Storage - if any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations outside buildings.
- G. Building Design - At least one entranceway shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, streets and driveways.
- H. Curbing, in accordance with Township specifications, shall be installed on all streets proposed for dedication within Industrial and Commercial Parks.
- I. New and Used Car Lot/Car Repairs - lot must be paved. They are subject to all sections of the Zoning Ordinance and all outdoor vehicle sales display areas shall be setback from the street right-of-way line the greater of fifteen (15) feet or five (5) feet from the outside edge of the public sidewalk, if sidewalk is present or required. Sales display areas and customer parking areas are subject to the clear sight triangle regulations per § 390-43B.
- J. All uses shall provide restrooms for employees and customers (where required by law).

**§ 390-35. Environmental Performance Standards for Uses in All Zoning Districts.**

The Township Supervisors shall require safeguards to assure compliance with the following performance standards. Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of Exeter Township.

- A. Air Management
  - (1) Open burning is not permitted except by permit issued by the Exeter Township Fire Marshal.

- (2) No gases, vapors or fumes shall be emitted in concentrations which are harmful to persons, property, animals or vegetation (per EPA standards) beyond the lot lines of the lot on which such gases, vapors or fumes originate. No toxic or corrosive gases, vapors or fumes exceeding EPA standards shall be released into the atmosphere.
- (3) No use shall emit odorous gases or other odorous matter into the atmosphere in quantities sufficient to be offensive. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1, "Odor Thresholds in Air" contained in the publication Research on Chemical Odors: Part 1 – Odor Thresholds for 53 Commercial Chemicals, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained.
- (4) The uses shall comply with the regulations of the Pennsylvania Department of Environmental Protection for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emissions of Hazardous Air Pollutants and Ambient Air Quality Sources.
- (5) Drive-throughs. Land Development plans with Drive-throughs must submit plans demonstrating how they will manage the flow of vehicles in order to minimize vehicular emissions. Queue time shall not exceed two minutes.

B. Waste Water Management

- (1) Effluent must meet all standards established by the Township or Township Authority or DEP.
- (2) In no case shall untreated, potentially dangerous, or contaminating effluent or waste from plant operations be discharged.
- (3) In Commercial and Industrial Districts on-site water supply or sewage disposal systems shall only be permitted only by special exception. The applicant shall demonstrate compliance with Subsection G below and submit a hydrogeologic study.

C. Solid Waste Management. No storage of waste material on the lot shall be permitted in excess of thirty (30) days. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets and kept in enclosed containers.

D. Noise and Vibration. Noise shall not exceed the limits stated in Chapter 257.

E. Heat. Any operation producing heat shall be conducted in such a manner as to prevent any effects from the heat beyond the lot lines of the lot on which the operation is located.

F. Ground Water Supplies. No activity shall endanger ground water levels and quality in the area of the use, nor adversely affect ground water supplies of nearby properties. When required by the Township, a hydrogeologic study which shall indicate the impact of the use on ground water supplies and quality in the area of the use shall be submitted to the Township.

G. Electromagnetic and Radioactive Radiation. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no

electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious, electromagnetic radiation, or radioactive emission shall be produced, and all radioactive emissions shall meet the Federal and State Standards. No high-tension electrical transmission lines or equipment shall be located within 75 ft. of any portion of a residential building or vice versa.

- H. Outdoor Storage – Commercial/Industrial. All outdoor storage of materials or products shall be screened from view from all adjacent properties and streets.
- I. Explosives. No possession, discharge, production or storage of any material designed for use as an explosive shall be permitted unless the required State/Local permits have been issued.

**§ 390-36. Loading Areas.**

- A. Paved off-street loading and unloading spaces with proper access from a street, driveway or alley, shall be provided on any lot on which a building for trade, business, industry or warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5) of any side or rear lot line.
- B. Under Land Development Plan Approval (§ 390-91) for Commercial or Industrial Districts, the applicant shall indicate all provisions for off-street loading and include supporting data on the number, frequency and schedules, and size of vehicles which will serve the facility. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use.

**§ 390-37. Off-Street Parking.**

- A. Off-street parking facilities shall be provided whenever:
  - (1) A building is constructed or a new use established.
  - (2) The use of an existing building or a lot is changed to a use requiring more parking facilities.
  - (3) An existing building or use is altered so as to increase the amount of parking spaces required.
- B. A minimum of fifty percent (50%) of the parking spaces shall have a minimum area of one hundred eighty (180) square feet and a minimum dimension of ten feet (10') by eighteen feet (18'). The remaining parking spaces shall have a minimum area of one hundred seventy one (171) square feet and a minimum dimension of nine and one half feet (9.5') by eighteen feet (18'). To the extent reasonably possible, the larger parking spaces shall be located as close to the buildings as possible. In addition, appropriate driveways, aisles and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area as provided for parking purposes. Safe and convenient access from a street, alley or driveway shall be provided. All parking spaces shall be delineated with "hairpin" striping twelve (12") inches wide.

- C. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within three hundred feet (300') of the use and shall not require pedestrian crossing of a public street, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
- D. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- E. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.
- F. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas for parking shall not exceed six percent (6%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other premises.
- G. No areas necessary to fulfill the off-street parking requirements of this Chapter shall be used for the sales, dead-storage, repair, dismantling or servicing of vehicles.
- H. Off-street parking facilities existing on the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Chapter for a similar new building or use.
- I. The width of aisles in parking areas shall be not less than listed in the following table:

ANGLE OF PARKING	AISLE WIDTH	
	ONE-WAY	TWO-WAY
90°	20'	24'
60°	18'	Not allowed
45°	15'	Not allowed
30°	12'	Not allowed

- J. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction above one-fourth (1/4) shall necessitate the provision of a full parking space.
- K. Parking areas for non-residential uses shall be designed such that vehicles will not back out onto the public streets.
- L. The design of parking areas shall be such as to prevent the back-up of vehicles on a public street at the entrance to parking areas.
- M. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the number of temporary seats in normal usage.
- N. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space will extend over any property line of the lot on which it is parked.

- O. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned RC, AP, R, SR0, SR1, SR2, SR3 or UR which is adjacent to the land on which the non-residential parking area is located, and shall be located a minimum of twenty feet (20') from any land so zoned.
- P. Parking areas for non-residential uses shall be located a minimum of four feet (4') from right-of-way line, unless a more stringent improvement setback is imposed by the applicable Zoning District regulations, and the area between the parking area and the street right-of-way lines shall be landscaped. Such parking areas shall be located a minimum of two feet (2') from any side or rear lot line and the area between the parking area and side or rear lot line shall be landscaped. In addition, parking areas shall be located a minimum of ten feet (10') from a street right-of-way line in Neighborhood Commercial Districts; a minimum of twenty feet (20') from a street right-of-way line in Highway Commercial Districts, Shopping Center Commercial Districts and Light Industrial Districts; and a minimum of fifty feet (50') from a street right-of-way line in General Industrial Districts.
- Q. Number of spaces.

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

Residential Uses	Three (3) parking spaces per dwelling unit, not to include garages.
Industrial, Wholesaling or Warehousing Establishment	One (1) space per employee on shift of greatest employment
Restaurant, Tavern or Similar Use	One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment, or one (1) space per three (3) people of total capacity plus one (1) per employee on the shift of greatest employment, whichever is greater.
Retail and Service, Convenience/Grocery Store with gas pumps	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Convenience/Grocery Store without gas pumps	Three (3) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Office Building	One (1) space for each three hundred (300) square feet of gross floor area.
Motel, Hotel, Tourist Home, Bed & Breakfast or Similar Establishment	One (1) space for each rental unit plus one (1) space for each employee on the shift of greatest employment.
Medical, Dental and Paramedical Offices	One (1) space per employee plus four (4) spaces for each person engaged in practice
Agricultural Uses	One (1) space per employee of the shift of greatest employment.
Nursing Home, Convalescent Home or Retirement Home, Personal Care Home	One (1) space per employee on shift of greatest employment plus one (1) space for each two (2) beds.
Hospital	One and one half (1-1/2) spaces per bed, plus one (1) space per employee on shift of greatest employment.
Bowling Alley	Five (5) spaces per alley plus one (1)

	space per employee on shift of greatest employment.
Funeral Home	One (1) space for each three (3) seats, plus one (1) space per employee.
Auditorium, Theater, Place of Worship, Club or Lodge, or Other Place of Public Assemblage.	One (1) space for each four (4) seats, plus one (1) space per employee.
Library or Museum	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee.

Nursery Schools and Day Centers	One (1) space per employee plus one space for every 10 children for unloading of children accommodated in the school.
Elementary and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms or offices.
High Schools	One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
Commercial School, Jr. College/College/University	One (1) space per employee plus one (1) space per two (2) students to be accommodated at any one time.
Skating Rink, Swimming Pool, Indoor Recreational Establishments	One (1) space per twenty-five (25) square feet devoted to patron use plus one (1) space per employee.
Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service pay plus one (1) per employee on the shift of greatest employment.
Outdoor Recreational Facility & Amusement Parks	One (1) space per employee on largest shift plus one (1) space per three (3) people of total capacity.
Shopping Center	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Dance Hall, Night Club and similar IBS Assembly Group Ad-2 Structures	One (1) space per two (2) people of total capacity, plus one (1) space per employment on the shift of greatest employment.
Boarding Kennel (short-term)	One (1) space per employee, plus one space for every 10 animals accommodated in the kennel.

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

R. ADA-accessible spaces.

(1) The number of ADA accessible parking spaces shall meet the following guidelines:

Number of Spaces in Lot	Number of ADA-Accessible Spaces Required
1 to 25 spaces	1

26 to 50 spaces	2
51 to 75 spaces	3
76 to 100 spaces	4
101 to 150 spaces	5
151 to 200 spaces	6
201 to 300 spaces	7
301 to 400 spaces	8
401 to 500 spaces	9
501 to 1000 spaces.	2% of the total number of spaces
1001 spaces and over	20 spaces plus 1 for every 100 spaces over 1,000

- (2) One in every 6 ADA accessible parking spaces, but not less than 1, shall be designated as van accessible.
- (3) When only one (1) ADA accessible parking space is required, that space shall be designated as van accessible.
- (4) ADA accessible parking spaces shall be the spaces closest to the nearest accessible entrance to the building served by the parking lot.
- (5) Each ADA accessible parking space shall have the appropriate signs erected at the front of the space. One set of signs shall be required for every space. All signs shall conform to PennDOT and ADA regulations.
- (6) The signs shall be mounted on a secure post with the bottom of the lower sign being a minimum of 3.5 feet above the ground level. The required signs are as follows:
  - (a) For a standard ADA accessible parking space, a “Reserved Parking” sign, (R7-8) shall be mounted on top and a “Violators Subject to Fine and Towing, Min. Fine \$50, Max. Fine \$200” sign, (R7-8B) shall be mounted on the bottom.
  - (b) For a van ADA accessible parking space, a “Reserved Parking” sign, (R7-8) shall be mounted on top, a “Van Accessible” sign, (R7-8A) shall be mounted in the middle, and a “Violators Subject to Fine and Towing, Min. \$50, Max. Fine \$200” sign, (R7-8B) shall be mounted on the bottom.
- (7) Each ADA accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.
- (8) The van ADA accessible parking space shall be at least eleven feet (11') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.
- (9) Each ADA accessible parking space shall have a length identical to the adjacent non-ADA accessible parking spaces in the same parking aisle or parking area.

- (10) All ADA accessible parking spaces shall be identified by painting the pavement surface handicap blue in color, outlined with white lines.
- (11) All ADA accessible parking spaces shall be further identified by having the universal handicapped/disabled symbol painted on the blue space. This symbol shall be white in color.
- (12) All ADA accessible parking spaces and their respective signs shall be regularly maintained to ensure their continued compliance to the law.

**§ 390-38. Driveways.**

- A. Single family dwelling driveway entrances or exits into a street from a corner lot shall conform to the provisions of Subdivision and Land Development Ordinance.
- B. No entrance or exit for a driveway serving a single-family dwelling shall be less than ten feet (10) or more than twenty feet (20) in width in aggregate if more than one driveway, excluding radii.
- C. No driveway serving a single family dwelling shall be located within two feet (2) of any side lot line, except in the case of driveways which adjoin one another.
- D. No driveway serving a non-residential use shall be located within five feet (5) of any rear or side lot line, provided that a driveway serving a non-residential use shall not be located within ten feet (10) of a rear or side lot line when the adjoining land is located within an RC, AP, R, SR0, SR1, SR2, SR3 or UR District.
- E. Driveways shall be so constructed and maintained that the materials of which the driveways are constructed will not wash nor be deposited upon public roads. Driveways in excess of ten percent (10%) grade shall be paved.
- F. At driveway intersections with streets, a clear sight triangle, as specified in § 390-43B shall be established for a distance of ten feet (10') from the point of intersection of the cartway lines. In addition, the sight distances at driveways shall meet the requirements of PA Code Title 67, Chapter 441 Access to and Occupancy of Highway by Driveways and Local Roads.
- G. Driveway entrances shall not intersect streets at angles of less than sixty (60") degrees nor more than one hundred twenty (120°) degrees.
- H. The grade of driveways shall conform to the Exeter Township Subdivision and Land Development Ordinance, § 330-36G.
- I. The area between the street cartway and right-of-way lines shall be paved.

**§ 390-39. No Impact Home Based Business Regulations:**

No-impact home based business regulations are as follows

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no customers coming to the dwelling.
- C. The business shall employ no employees other than family members residing in the dwelling.

- D. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- F. 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.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- I. The business may not involve any illegal activity.

**§ 390-40. Home Occupation Regulations.**

- A. Home occupations may be allowed by zoning permit issued by the Zoning Officer, subject to the applicant demonstrating compliance with the below-referenced provisions.
- B. The following requirements must be met in order to have a home occupation:
  - (1) The home occupation must be conducted within a residential property and must be clearly incidental to the residential use.
  - (2) Only a resident of the dwelling unit may practice the home occupation, (i.e. the owner cannot rent out a room in the house for someone to run a business).
  - (3) Any need for parking generated by the home occupation shall be met off-street on the lot and existing paved area, which the home occupation is carried out; any additional paving shall comply with the maximum allowed in the zoning district in question.
  - (4) Occupations requiring customers coming to the home may:
    - (a) Allow only two (2) customers at a time; and
    - (b) Conduct business between the hours of 8 am and 8 pm.
  - (5) Only one person whether paid or unpaid may assist with the home occupation at the dwelling unit (off street parking must be met for this person also).
  - (6) No more than twenty-five percent (25%) of the total floor area of a dwelling unit shall be used for the purposes of the home occupation.
  - (7) In the case of repair services, repairs must be made off the property on which the home office is located.
  - (8) There shall be no external storage of equipment.
  - (9) No emission of unpleasant gases or other odorous matter shall be permitted.
  - (10) No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

- (11) No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature which could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements. No hazardous waste or household hazardous waste shall be discharged into sewage disposal systems or public sewers.
- (12) No vibration perceptible beyond the structure in which the home occupation is conducted shall be permitted.
- (13) No noise shall be audible beyond the structure in which the home occupation is conducted, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
- (14) No emission of any smoke shall be permitted (unless the smoke is from a wood burning stove or fireplace being used for heating purposes).
- (15) In the case of childcare services, a maximum of three (3) children (unrelated to the operator) may attend. Caregiver must comply with all requirements of the Pennsylvania Code Title 55.Public Welfare (copies available in the Engineering Department).
- (16) No hazardous, explosive or regulated material shall be produced or stored upon the premise in quantities exceeding National Fire Code standards for residences.
- (17) No display of products related to the home occupation shall be visible from adjoining properties or streets.
- (18) There shall be no outside advertising in residential areas. In non-residential areas, there shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than six (6) square feet in area of each side and must comply with all other requirements of the sign ordinance regarding placement of such sign.
- (19) There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwelling.
- (20) Person must register with the municipal tax administrator for tax reporting purposes.
- (21) A zoning permit shall be required.
- (22) Neighbor impact letters must be submitted.
- (23) All home occupations shall be subject to periodic inspections by the Township Zoning Officer or Assistant Zoning Officers to monitor compliance with the provisions of this chapter and any and all other Township, State and Federal regulations.

**§ 390-41. Front Yard Exceptions.**

When an unimproved lot is situated between two (2) 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 (2) 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 and the improvements are located within one hundred feet (100') of the unimproved lot. 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.

**§ 390-42. Fences, Walls and Hedges.**

- A. Except as noted elsewhere in this Chapter, fences, walls and hedges may be located within required yards. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
- B. Fences, walls or hedges shall comply with the requirements of § 390-43B.
- C. Any fence or wall, except a retaining wall, greater than ten feet (10') in height shall be set back no less than five feet (5') from a lot line, unless otherwise required by this Chapter.
- D. Fences shall be constructed of wood, chain link or similar appropriate materials approved by the Zoning Officer, be of uniform construction and be constructed in a workmanlike manner.

**§ 390-43. Corner Lot Restrictions.**

- A. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.
- B. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing which impedes vision between a height of two and one-half feet (2-1/2') and ten feet (10') above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow, except street signs, traffic lights or signs, utility poles and mail boxes. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the centerlines of the intersecting streets, except that a clear sight triangle of one hundred fifty feet (150') shall be provided for all intersections with arterial highways. In addition, sight distances shall meet the requirements of PA Code Title 67, Chapter 441 Access to and Occupancy of Highway by Driveways and Local Roads.

**§ 390-44. Projections into Yards.**

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

- A. Terraces, patios, open porches and decks (provided that such terraces, patios, open porches and decks are not enclosed) are not to be closer than ten feet (10') to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.
- B. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys and window sills, provided that all such features shall project no more than five feet (5') into any required yard, and shall not be closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).
- C. Uncovered stairs and landings, accessibility ramps and chair lifts, provided such stairs, landings, ramps or lifts do not project more than five feet (5') into any required yard, and are not located closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).

**§ 390-45. Existing Principal Building and Accessory Building Setback Exceptions.**

- A. 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 of the principal building.
- B. If the owner (or his/her agent) of a lot that has been developed in conformance with a prior iteration of this chapter applies for a building permit to expand the existing principal building and/or construct a permitted accessory building or structure, the owner may elect to proceed in conformance with a group of certain limited zoning regulations in effect at the time the owner acquired the lot at issue (the Prior Ordinance), but only if the owner provides the zoning officer with sufficient proof of the following and otherwise complies in all respects with this chapter:
  - (1) the lot is developed, and was developed pursuant to an iteration of this chapter;
  - (2) the owner of the lot for the building permit owned the lot continuously from the time the Prior Ordinance was in effect, up to the present; and
  - (3) that in order to accomplish the expansion of the existing principal building and/or construction of a permitted accessory building or structure, the owner needs the benefit of the zoning regulations found in the Prior Ordinance for this group of – and only these – zoning regulations: Lot coverage; Paved area; Building setback; Rear yard; and/or Side yard; the owner cannot elect to proceed with some but not all of this group of zoning regulation.

**§ 390-46. Height Exceptions.**

The building height limitations contained within this Chapter shall not apply to chimneys, spires, cupolas, antennas and other similar appurtenances customarily attached to principal buildings as determined by the Zoning Officer, usually required to be placed above the roof level provided they are not intended for human occupancy, provided that any such projection which exceeds the height limitations of the applicable zoning district shall not be greater in height above its base than the shortest distance from such base to any lot line, and provided that telecommunications towers and other such structures shall not be exempt. See also Chapter 344, Telecommunications.

**§ 390-47. Conduct of Agricultural Activities.**

Agricultural activities permitted to be conducted within the Township by this Chapter may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses. To control erosion and pollution, there is established a riparian buffer along the edge of all waterways, wetlands, and waterbodies of twelve (12) feet or as provided in the Exeter Township Floodplain Ordinance, whichever is greater.

**§ 390-48. Steep Slope Controls.**

- A. Intent. Areas exist and are created during the Subdivision and Land Development process within each zoning district that would have special constraints on development because of the topography. These concerns include soil erosion, stream siltation, unsatisfactory onlot sewage disposal, excessive cut and fill requirements, loss of vegetations and increased runoff and flooding. The intent of this Section is to establish

certain restrictions relating to permitted uses, bulk, area and coverage requirements for property located on (mean) slopes of fifteen percent (15%) or more and to control the creation of new, man-made very steep slope areas and their attendant problems. It is not the intent, however, to prohibit development, but merely to insure that adequate consideration has been given to these unique problems and that adequate safeguards will be taken.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

MEAN SLOPE - determined by dividing the elevation change by the horizontal distance measured perpendicular to the contour lines over which the elevation change occurs.

CATEGORY I STEEP SLOPE AREA - any area, whether existing or proposed, where the mean slope of the land is fifteen percent (15%) or greater but less than twenty-five percent (25%), and has an elevation change of ten feet (10') or greater.

CATEGORY II STEEP SLOPE AREA - any area, whether existing or proposed, where the mean slope of the land is twenty-five percent (25%) or greater and has an elevation change of ten feet (10') or greater.

- C. Exceptions. The following existing features are excluded from the definition of steep slope areas:

- (1) Approved stormwater detention and retention basins.
- (2) Approved excavations which are the result of permitted surface mining activities.

- D. Minimum Lot Area. The minimum lot area for a lot containing Category I and/or Category II Steep Slope shall be the greater of:

- (1) the minimum lot area of the applicable zoning district; or
- (2) the summation of the following:
  - (a) The percentage of the lot area having slopes less than fifteen percent (15%) multiplied times the minimum lot area required for the district within which it is located; plus
  - (b) The percentage of the lot area having Category I Steep Slopes multiplied times three (3) acres; plus
  - (c) The percentage of the lot area having Category II Steep Slopes multiplied times five (5) acres.

- E. Minimum lot width. The minimum lot width for a lot containing Category I and/or Category II Steep Slopes shall be the greater of:

- (1) the minimum lot width of the applicable zoning district; or
- (2) the summation of the following:
  - (a) The percentage of the lot area having slopes less than fifteen percent (15%) multiplied times the minimum lot width required for the district within which it is located; plus

- (b) The percentage of the lot area having Category I Steep Slopes multiplied times two hundred (200') feet; plus
- (c) The percentage of the lot area having Category II Steep Slopes multiplied times three hundred (300') feet.

F. Existing Category II Steep Slopes

- (1) Existing (Non-Manmade) Category II Steep Slopes shall not be altered, regraded, cleared, built upon or otherwise disturbed unless such disturbance is necessary:
  - (a) To accommodate an access drive or driveway where the applicant has demonstrated to the Township satisfaction there is no other feasible route for such an access drive or driveway and if the slope is disturbed to the minimum extent necessary to accommodate such access drive or driveway; or
  - (b) To accommodate a trail or trails that are part of an existing or planned trail network and are located and constructed based upon accepted best management practices for minimizing erosion.
  - (c) Installation of underground utilities, where the applicant has demonstrated to the Township's satisfaction that no alternative location is feasible and that the proposal consists of the minimum disturbance necessary to provide utility service.
  - (d) To construct a single family detached dwelling unit on a lot that consists entirely of very steep slope area provided that the following conditions are met:
  - (e) There shall be established a permanent Conservation Easement of at least three hundred (300') between any disturbance area [except as permitted in Subsection F(1)(a), (b) and (c) above] and the down-slope property line.
  - (f) The applicant shall submit the methods proposed by a professional engineer to preclude any structural and/or foundation problems that may be caused by the steep slope conditions.
- (2) In no case shall more than ten percent (10%) of the area containing existing (Non-Manmade) Category II Steep Slopes be disturbed.

G. Except as permitted in Subsection F above, Existing (Non-Manmade) Category II Steep Slope areas shall be left undisturbed and shall be subject to a permanent conservation easement that specifically prohibits:

- (1) Removal of healthy trees and/or vegetation (exotic or noxious species excepted)
- (2) Earth-moving, earth disturbance, or other alteration of the site ecology including, but not limited to, the installation of roadways, driveways, on-lot septic systems, sanitary or storm sewers, infiltration systems and stormwater detention basins.
- (3) Placement or construction of any structure without prior approval of Exeter Township, or unless exempted under § 390-56A.

H. In no case shall more than twenty-five percent (25%) of the area containing Existing (Non-Manmade) Category I Steep Slopes be disturbed

- I. Creation of new, manmade Steep Slope Areas
- (1) Surface mining activities, where permitted under this Chapter, may create new steep slope areas or near vertical walls pursuant to the regulations established by the Commonwealth of Pennsylvania.
  - (2) Man-made embankments adjacent to street rights-of-way which are the result of cut-and-fill operations are permitted provided that the following conditions are met:
    - (a) The full width of the street right-of-way shall be graded as required by the Exeter Township Subdivision and Land Development Ordinance and Exeter Township Standards.
    - (b) The maximum man-made slope permitted adjacent to a street right-of-way shall be three (3) horizontal to one (1) vertical and begin or end at the edge of the street right-of-way and extend outwards from the right-of-way into the lot or property.
    - (c) No portion of a retaining wall or its supporting elements shall be placed or extend into the street right-of-way. All retaining walls located on the low side of a street shall be setback from the right-of-way a sufficient distance to permit repair work on the wall without adverse effects on any portion of the street right-of-way, sidewalk, curb, cartway or other features which may exist within the right-of-way.
    - (d) The maximum height of a retaining wall or stabilized rock face shall be limited to ten (10') feet.
    - (e) The proposed manmade steep slopes shall be included in the calculation of minimum lot area and minimum lot width as provided for in Subsections D and E, respectively
  - (3) Stormwater detention basins as permitted by the Exeter Township Schuylkill River Stormwater Management Ordinance.
  - (4) Temporary excavations for the construction of buildings and structures are permitted provided that the natural grade is restored post-construction.
  - (5) No earth or soil slope shall be created that exceeds three (3) horizontal to one (1) vertical except for landscape berms or terraces having a height of five (5) feet or less may have grades that exceed three (3) horizontal to one (1) vertical as long as the applicant stabilizes such berms/terraces to the satisfaction of the Township Engineer.
  - (6) Retaining walls
    - (a) Retaining walls and/or exposed/stabilized/ rock faces, adjacent to side and/or rear lot or tract boundary lines, shall be setback from said lines a minimum of ten (10') feet;
    - (b) Retaining walls and exposed/stabilized rock faces supporting an excavation or fill in excess of ten (10') feet shall be terraced (depth of each terrace segment shall not be less than the height of the wall segment immediately below) with no individual wall segment having a height greater than ten (10') feet.

J. Procedures

- (1) Existing lots not requiring subdivision or land development plan approval prior to development.
  - (a) In submitting a permit application for any construction or activity within Category I and/or Category II Steep Slopes, the Applicant shall submit a plan showing the Category I and Category II Steep Slopes. The Zoning Officer will not issue a permit until a plan is submitted indicating, to the satisfaction of the Township Engineer, that all potential problems of steep slopes have been resolved.
  - (b) The applicant shall submit plans showing existing and proposed topography, proposed structure and building locations, streets and driveways location and grade, site drainage, sanitary facilities, grading plan, revegetation or planting plan prepared by a registered architect, engineer or landscape architect. Plans shall be accompanied by drawings or a statement of how problems of surface water runoff, erosion, soil stabilization, onlot sewage disposal, revegetation, sediment control and all other associated problems are proposed to be overcome.
  - (c) Should the area designated as steep slopes be found to be inaccurate, based on a topographical survey prepared by a licensed surveyor or engineer, showing two (2) foot contour intervals, then the zoning requirements for such property shall be based upon the topographical survey.
- (2) Lots and parcels subject to subdivision and land development review and approval will be evaluated for conformance with this Section during the review and approval process for the plan.

**§ 390-49. Removal of Natural Resources.**

- A. Natural resources are defined to include: trees, water, topsoil, minerals, rocks and other products of the earth.
- B. Except where listed as a permitted use elsewhere in this Ordinance, or where permitted as part of the land development process by the Exeter Township Subdivision and Land Development Ordinance, removal of natural resources from a lot is not permitted.

**§ 390-50. Standards for Public Utility Uses.**

- A. All areas for parking and loading shall be located between the building and rear lot line.
- B. If adjoining land is zoned RC, AP, R, SR0, SR1, SR2, SR3 or UR all facilities, storage or activities outside a building shall be screened from view from public streets and adjoining lots.

**§ 390-51. Historical Area Controls.**

- A. Designation of Area. Areas to be regulated under this section shall be determined by the Township Supervisors acting upon the recommendations of the Township Planning Commission. The Planning Commission or Historical Commission may under its own initiative after careful study or by request, recommend the inclusion of an area within this classification. The Supervisors shall consider each recommendation at a regularly scheduled meeting providing opportunity for public comment.
- B. Markings.

- (1) The boundaries of each area shall be indicated on a map maintained by the Planning Commission. A separate map shall be prepared for each specific area showing the location of each building and all property lines following approval by the Supervisors.
  - (2) A suitable plaque may be placed by the owner of an individual property within a classified area. The classified area may be indicated by suitable signs. Such identification plaques and signs must be approved by the Planning Commission and conform to the Exeter Township Sign Ordinance.
- C. Use Regulations. Uses shall be regulated by the Zoning District in which the land and/or buildings are situated. Other uses consistent with the Historical nature of the area may be considered by special exception.
- D. The owner must stabilize historic buildings to prevent demolition by neglect. Existing historical properties shall not be permitted to deteriorate either through willful neglect or natural occurrence.
- E. Modification and Alterations or Demolition of Existing Structures. Each external alteration of an existing structure within an area regulated by these controls shall require the prior submission of sketch drawings to the Planning Commission. Such plans shall be examined to determine whether they are in conformance with the character of the area as required by Historical Review, §390-51.G.
- F. New Construction.
- (1) The construction of any buildings within an area regulated by these controls shall require the prior submission of the following items to the Planning Commission.
    - (a) Sketch floor plans
    - (b) Sketch elevations
  - (2) Such plans shall be examined to determine whether they are in conformance with the character of the area as required by Subsection G.
- G. Historical Review. The Planning Commission or a group specifically appointed by the Township Supervisors for this purpose shall be charged with the review of all applications under this section. In the event that a special group is appointed, then the Planning Commission shall forward to them all materials necessary for such review.
- (1) Within thirty (30) days of receipt of such plans the body charged with review shall authorize or deny the approval of the plans. If they are denied, then the reason for the denial shall be provided in a written format. No Building Permit shall be issued until approval is forthcoming.
  - (2) In evaluating any proposal under this classification, Subsection H shall be the sole basis for final decision.
- H. Historical Development Standards. No approval shall be granted until the proposed building construction, reconstruction, modification or alteration conforms to the following standards:
- (1) The architectural style, general design, arrangement, location and materials shall be in harmonious inter-relationship with the exterior architectural features of other structures in the immediate surrounding area;

- (2) The exterior shall be designed so as to retain and reaffirm the basic, underlying characteristics which are common to the immediate surrounding area;
- (3) The architectural characteristics shall be such that the building blends and forms a part of the total appearance of the entire area which is subject to these regulations.

**§ 390-52. Outdoor Storage.**

Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing Zoning District.

**§ 390-53. Private Airports/Heliport**

- A. A Special Exception is required from the Zoning Hearing Board if a person desires to maintain a private aircraft on his lot. In addition to the information required elsewhere in this Chapter, the following information shall be submitted to the Zoning Hearing Board:
  - (1) A map of the lot indicating the runway/landing area, necessary approach zone and parking apron;
  - (2) A statement indicating the reasons for the need to utilize an aircraft and the flight experience of the applicant;
  - (3) A description of the type of aircraft to be used with its stated capacities;
  - (4) A statement of the intended use of the aircraft and prospective pilots.
- B. The following standards shall be satisfied:
  - (1) There must be a setback called the lateral clear zone extending five hundred feet (500') from the centerline of the runway/landing area to any lot line;
  - (2) No aircraft other than one (1) single-engine propeller-driven aircraft or three-seat helicopter shall be permitted;
  - (3) No application shall be approved which does not provide a runway of 1,500 feet, an approach zone of 1,000 feet and a parking apron of 1,000 feet;
  - (4) No activities shall be permitted by which any commercial use is made of the aircraft;
  - (5) Approval from the Federal Aviation Administration shall be received and all FAA regulations shall be adhered to.
  - (6) No night landings shall be permitted;
  - (7) No runway/landing area shall be paved or equipped with landing lights unless required by FAA regulations.

**§ 390-54. Manufactured and Industrialized Housing Foundation Requirements.**

Each manufactured or industrialized housing unit shall be provided with a permanent foundation that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. All open spaces between the floor and foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility

connections. Every unit shall be anchored to the foundation to prevent overturning or uplift. Manufactured or industrialized housing shall conform to all applicable provisions contained within the Pennsylvania Uniform Construction Code.

The application for placement of the units shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

**§ 390-55. Environmental Assessment Statement.**

- A. Content of Environmental Assessment Statements. The purpose of the Assessment is to determine the impact of the project on the existing site, and the resultant changes the proposal will have on the immediate site and surrounding area. In the preparation of this document only factual information, not subjective qualitative statements shall be presented by the applicant. All sections below shall be addressed.
- (1) Description of the Proposal. Describe the proposed or recommended action, its purpose, where it is to be located, when it is proposed to take place and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by reviewing agencies.
  - (2) Description of the Environment. Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository of toxic or hazardous wastes.
  - (3) The Environmental Impact of the Proposed Action. Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, either beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.
  - (4) Mitigating Measures Included in the Proposed Action. Include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect or mitigate impacts upon the environment, including any associated research or monitoring.
  - (5) Any Adverse Effects which cannot be avoided should this proposal be implemented. Include a discussion of the unavoidable adverse impact described in 628(C and D) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.
  - (6) The Relationship between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. Discuss the local short-term use of the environment involved in the proposed action relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions, which would significantly affect ecological trends of similar actions, which would significantly affect ecological interrelationships or pose long-term risk to health and safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

- (7) Any Irreversible or Irretrievable Commitments of Resources Which Would be involved in the Proposed Action Should it be Implemented. Discuss and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat and significant changes in land use.
- (8) Alternatives to the Proposed Action. Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

B. Outline Considerations for Developing Environmental Assessment Statements.

- (1) Description of the Proposal.
  - (a) Who is proposing the action?
  - (b) What is the nature of the action to be taken?
  - (c) What is it designed to accomplish? What identified needs will be met and to what degree?
  - (d) Where will it take place?
  - (e) When will it take place? Indicate phasing of acquisition and development items, if applicable, and timetables for completion.
  - (f) How does it fit in with the planning efforts, local agencies, comprehensive plans, etc?
- (2) Describe the Environment.
  - (a) What are the present and past land uses of the site and of the surrounding area?
  - (b) Comment on any special topographic features which may be present.
  - (c) Describe the site's surface and subsurface geologic characteristics.
  - (d) Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.
  - (e) Describe the area's water resources, with specific reference to ground water, water quality, aquifers and aquifer recharge areas and areas subject of flooding.
  - (f) Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.
  - (g) Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.
- (3) Environmental Impact of the Proposed Action.
  - (a) What will be the effect on land uses in the area?
  - (b) Will the project affect any site listed on the National Register of Historic Places?

- (c) In what way will soils and topography to affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation, creation of unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of view lines to landmarks, blockage of view corridors, etc.
  - (d) Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and whether they will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition and construction wastes.
  - (e) How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply, etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity and seasonal flows, diversions or blockage of surface water, alterations of natural watercourses, introduction or increase of effluents or toxic, hazardous or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on ground water recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.
  - (f) How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread onto adjacent lands, introduction of exotic vegetation, creation of areas of highly visible, dying or decaying vegetation.
  - (g) How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.
  - (h) How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections, traffic to be generated, generation of truck traffic.
  - (i) Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates and smoke; noise and vibration levels at property lines. Indicate whether heat or glare will be present near property lines and level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota and possible concentrations through food chains.
  - (j) Describe management practices proposed for the area.
- (4) Mitigating Measures Included in the Proposed Action. Discuss actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

- (5) Unavoidable Adverse Effects. If adverse effects have been identified in Subsection C and cannot be mitigated, they should again be identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.
- (6) Relationship between the Local and Short-Term Use of Man's Environmental and the Maintenance and Enhancement of Long-Term Productivity. What are the impacts of the proposal in the context of other similar projects. In what way will future generations be affected by the currently proposed action? How do the immediate and long-range impacts of the area with the project compare with the immediate and long-range impacts without the project?
- (7) Any Irreversible or Irretrievable Commitments of Resources. Discuss any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archeological, geological or historic features, destruction of fragile habitat or endangered species habitat, unalterable changes in land use and resources used in project development.
- (8) Alternatives to the Proposed Action. Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result. The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. Where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation.

**§ 390-56. Forestry Controls/Timber Harvesting Controls.**

A. Timber Harvesting is permitted as part of a Timber Harvesting Plan, Forest Management Plan or Forest Stewardship Plan. A forest is more than a collection of trees. It is a dynamic ecosystem, defined by the interactions of living organisms with their environment. To use this resource wisely requires a broad understanding of the biological processes involved as well as an appreciation for the economic, social, and personal pressures that influence woodlot management decisions. By practicing sound forest management, the owner and community can reap great benefits from the forest: clean water, forest products, wildlife, and aesthetic enjoyment. For these reasons timber harvesting shall be done only in accordance with a Forest Management Plan, a Timber Harvesting Plan or Forest Stewardship Plan prepared by a forester. Timber harvesting under this Section shall not be in association with subdivision, land development, or construction activities. Tree removal in association with subdivision, land development, and construction activities is governed by the Exeter Township Subdivision and Land Development Ordinance, as amended and the Exeter Township Tree Ordinance, as amended. The Applicant shall submit the following plans and reports at least thirty (30) days prior to the scheduled start of the timber harvest for review and approval by the Zoning Officer, who may consider recommendations from the Exeter Township Environmental Advisory Council:

- (1) Either a Timber Harvesting Plan, a Forest Management Plan or a Forest Stewardship Plan shall be submitted, containing the following elements:
  - (a) Ecological Considerations

- (b) Forest Health
  - (c) Soil Resources
  - (d) Water Resources
  - (e) Fauna Resources
  - (f) Flora Resources
  - (g) Silviculture/Timber Management
  - (h) Non-Timber Forest Products
  - (i) Infrastructure
- (2) Methods.
- (a) Timber Harvesting shall only be permitted by one of the following methods:
    - [1] Improvement Cutting;
    - [2] Salvage Cutting; or
    - [3] Single Tree Selection or Group Selection Method that avoids high grading (i.e., where all trees of high commercial value are selected).
  - (b) Clear-Cutting is only permitted when the Forestry Bureau's applicable reservation guidelines are followed, and is fully justified by a forester preparing the Timber Harvesting Plan, Forest Management Plan or Forest Stewardship Plan, as the timber harvest method necessary to improve regeneration of a forest.
- (3) A Harvested Tree Inventory Report shall be prepared for the area included in the timber harvest. The Harvested Tree Inventory Report shall include the number of each species and diameter of trees harvested per acre and will be utilized by the Township to determine replacement tree requirements pursuant to Exeter Township Tree Ordinance, as amended, in the event that a subdivision or land development plan is submitted within five (5) years of the date that a Zoning Permit is issued to allow the timber harvest.
- (4) An Erosion and Sedimentation Pollution Control Plan (E&SPC Plan) utilizing Best Management Practices (BMP's) designed to prevent erosion and sedimentation during and after the timber harvest operation shall be submitted at the same time the Harvested Tree Inventory Report and Timber Harvest Plan, Forest Management Plan or Forest Stewardship Plan is filled. Evidence that the E&SPC Plan has been approved by the Berks County Conservation District and/or the PA Department of Environmental Protection shall be submitted to the Zoning Officer prior to start of the timber harvest. The E&SPC Plan shall also demonstrate compliance with and incorporate the following requirements:
- (a) All cutting, removing, skidding and transporting of trees shall be planned

and performed in such manner as to minimize the disturbance of, or damage to, other trees and vegetation and the land. The use of skid trails rather than skid roads is encouraged.

- (b) Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- (c) Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.
- (d) Where possible, stream crossings shall be avoided: but, where deemed necessary, crossings shall be made at a right angle and shall incorporate suitable culverts or bridges.
- (e) Skidding across a live or intermittent stream is prohibited, except over bridges and culverts.
- (f) Buffer zones.

[1] Buffer zones of twenty-five (25) feet shall be maintained in the property on which the timber harvest is being conducted along all streets and abutting properties. No buffer zone shall be required between forested areas on abutting properties (which properties are not separated by a roadway), however no tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.

[2] Improvement cutting, salvage cutting, single tree selection cutting or group selection cutting may be permitted by the Township Zoning Officer within the twenty-five (25) foot buffer zone, provided that the applicant demonstrates and agrees to utilize appropriate measures to ensure that:

[a] trees shall not be felled such that they land within a public or private roadway without the express written consent of the Township, landowner (in the case of a private roadway) or Pennsylvania Department of Transportation, whichever entity being responsible for the maintenance of such roadway;

[b] trees shall not be felled such that they create a public health, safety or welfare concern;

[c] adequate erosion and sedimentation controls, measures and practices shall be utilized to prevent increased runoff or forest degradation; and

[d] applicant shall be responsible for ensuring that no tops, slash or other debris resultant from the timber harvesting impedes any stormwater management facilities or matriculates into any

roadway.

[e] Buffer zones of twenty-five (25) feet shall be maintained along any streams and around ponds or springs. Improvement cutting, salvage cutting, single tree selection cutting or group selection cutting may be permitted within the twenty-five (25) foot pursuant to Subsection A(4)(f) above, subject to the additional restriction that an applicant shall ensure that trees shall not be felled such that they will land within a stream, without the express written consent of the Township and any other necessary outside agency approval; and applicant shall ensure that no tops, slash or other debris resultant from the timber harvesting matriculates into a stream.

[f] Everything practicable shall be done to prevent damage to young growth and trees not designated for cutting. Bumper trees should be used to protect residual trees.

[g] All limbs and studs shall be removed from felled trees prior to skidding.

[h] All trees bent or held down shall be released promptly.

[i] No trees shall be left lodged in the process of felling.

[j] Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across streets is prohibited without the express written consent of either Exeter Township for township streets or the Penn DOT for state roads.

[k] No tops or slash shall be left within twenty-five (25) feet of any public street right-of-way or adjoining property; within twenty-five (25) feet of any stream or historic or scenic trail; or within ten (10) feet of any drainage ditch or floodplain.

[l] The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.

[m] During periods of abnormal forest fire danger, as determined by the State Fire marshal, the Township shall have the right to order a suspension of all timber harvesting operations until the danger subsides.

### **§390-57. Dwelling Unit Determination.**

In determining the maximum number of dwelling units permitted in a townhouse or apartment development or a mobile home park and the maximum number of travel trailer or tent sites permitted in a campground, the permitted maximum gross density shall be multiplied by the net acreage of the apartment or townhouse development, mobile home park or campground. The net acreage is the total acreage of the tract being developed minus the acreage of the tract that contains slopes of twenty-five percent (25%) or greater, one hundred (100) year flood plains, wetlands, utility rights-of-way and road rights-of-way.

**§ 390-58. Storage of Vehicles.**

- A. Automotive vehicles or vehicular dwellings of any type, except agricultural equipment, without current license plates shall not be parked or stored within an RC, AP, R, SR0, SR1, SR2, SR3 or UR District other than in completely enclosed buildings.
- B. In NC, HC, SCC, LI, and GI Districts, automotive vehicles or vehicular dwellings of any type must be stored within completely enclosed buildings unless the vehicles or vehicular dwellings are for sale at a sales agency dealing in automotive vehicles and/or vehicular dwellings or are stored within a junk yard permitted by this Chapter.
- C. No tractor-trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored within an SR0, SR1, SR2, SR3 or UR District unless it is stored within a completely enclosed building.

**§ 390-59. Energy Systems.**

A. Solar Energy Systems

- (1) The use of solar energy systems, including solar collectors, storage facilities, and distribution components, for space heating and cooling and water heating is a permitted accessory use in all zoning districts.
- (2) Solar energy collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations stated in the zoning ordinance.
- (3) Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six feet (6) into required yards provided that they are not located closer than six feet (6) to any lot line.
- (4) Detached solar collectors used solely for such purpose shall be considered permissible accessory structures in all zoning districts, but shall not be included in computing lot coverage.

B. Small Wind Energy Systems

- (1) Small wind energy systems shall be a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth in this section. Wind energy systems with a rated capacity of greater than 100kW shall only be permitted as accessory uses to non-residential uses in the NC Neighborhood Commercial, HC Highway Commercial, SCC Shopping Center Commercial, GI General Industrial and LI Light Industrial Zoning Districts, noting that such uses shall be limited to use for on-site energy consumption and which shall be subject to compliance with the requirements in subsection (2) below.
- (2) General Requirements
  - (a) Turbine height limitation: For property sizes less than one (1) acre, the turbine height shall be limited to eighty (80) ft. For property sizes of one (1) acre or more, there is no limitation on turbine height, except as imposed by FAA regulations.

- (b) Wind Turbines: Only small wind energy systems approved under a small wind certification program recognized by the American Wind Energy Association are permitted. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Winder energies, or other similar certifying organizations. The small winder energy system must conform to industry standards, including those of the American National Standards Institute.
  - (c) Compliance with uniform Construction Code: To the extent applicable, small wind energy systems shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Pennsylvania Department of Labor and Industry. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. Applicant must submit an engineering analysis of the tower showing compliance with the Uniform Construction Code certified by a licensed professional engineer.
  - (d) Wind turbines shall not be directly affixed to an existing building unless the applicant submits certification from an engineer as to the structural capacity of the building to handle such turbines.
- (3) Controls and Braking:
- (a) All small wind energy systems shall be equipped with a redundant braking system, including aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (4) Power Failure:
- (a) If a small wind energy system is connected to the grid of an electric utility, the small wind energy system must incorporate controls to automatically cease any transmission of electricity from the small wind energy system to the electric utility grid in the event of a power failure. The approval of such controls must be obtained from the public electric utility provider to which the small wind energy system is connected.
- (5) Compliance with FAA Regulations:
- (a) Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- (6) Electrical components:
- (a) All electrical components of the small wind energy system shall conform to the relevant and applicable local, state and national codes, and relevant and applicable international standards. Particularly, building permit

applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(7) Utility Notification:

- (a) No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and that such utility has approved the same. Off-grid systems shall be exempt from this requirement.

(8) Inclement Weather:

- (a) All small wind energy systems shall be designed to lower or as a tilt down system in the event of inclement weather.

(9) Visual appearance; Lighting; Powerlines.

- (a) Wind Turbines shall be coated with a non-reflective, non-obtrusive color.
- (b) Wind Turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- (c) Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
- (d) On-site transmission and power lines shall, to the maximum extent possible, be placed underground. Electrical controls and control wiring and power-lines shall be wireless or not above ground except where the wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to the network.
- (e) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations for Wind Turbines.
- (f) Visible, reflective colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet.

(10) Setbacks. The following setbacks and separation requirements shall apply:

(a) Property lines:

- [1] Each small wind energy system shall be set back from the nearest property line a distance no less than 1.1 times the Turbine Height.

(b) Public Roads:

- [1] Each small wind energy system shall be set back from the nearest public road a distance no less than 1.1 times the Turbine Height, with the nearest public road a distance no less than 1.1 times the Turbine Height, with the nearest public road being determined at the nearest boundary of the underlying right-of-way for such public road.
- (c) Communication and electrical lines:
  - [1] Each small wind energy system shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its Turbine Height, determined from the existing power line or telephone line.
  - (d) There are no setback requirements between wind turbines and other buildings or structures within an individual's property, provided that building and yard setbacks from adjacent properties are met (as are set forth in the Area, yard and Height Regulations applicable to each Zoning District). The owner shall accept liability for any damage caused by the Small Wind Energy System.
- (11) Noise
  - (a) Noise due to small wind energy systems shall not exceed the sound decibel limitations set forth in the Township's Noise Ordinance for any period of time, when measured at a the property line.
- (12) Minimum Ground Clearance.
  - (a) The blade tip of any Wind Turbine rotor shall, at its lowest point, have ground clearance of no less than fifteen (15) feet.
- (13) Signal interference.
  - (a) The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any small wind energy system.
- (14) Safety.
  - (a) All wiring between small wind energy systems, wind turbines and the facilities served thereby shall be underground. Small wind energy systems attached to a building will require wiring to be placed in conduits.
  - (b) Wind turbine towers shall incorporate methods to prevent unauthorized persons from climbing the same up to fifteen (15) feet above ground level. All access to small wind energy systems, including wind turbines and the associated electrical equipment, shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

(15) Insurance.

- (a) The landowner on whose property a small wind energy system is proposed shall provide the Township with proof of insurance sufficient to cover any personal injury and/or property damage to adjacent property owners or others caused by installation or result of installation. Yearly proof of insurance must be submitted to the Township.

(16) Decommissioning; Removal.

- (a) Should any of the following events occur, the landowner shall be responsible to decommission and remove the small wind energy system:
  - [1] If the landowner has ceased use or operation of the system for a period of greater than six (6) months, and, after notice from the Township of the same, the landowner has failed to certify its intent to re-commence and to re-commence its use or operation of the system within thirty (30) days of receipt of such notice from the Township;
  - [2] If the Township, through its Zoning Officer or Codes Enforcement Office, as applicable and appropriate, determines that the system is not compliant with the requirements of this Ordinance and/or the permit approving the construction of the same; or
  - [3] If the system poses a threat to the public health, safety or welfare, which threat is not remedied by the landowner upon notice and within the time period prescribed by the Township;
- (b) In the event that the system poses an immediate threat to the public health, safety or welfare, the Township is authorized to take appropriate steps to decommission the small wind energy system and/or to abate the immediate threat, the costs of which shall be borne by the landowner or, if the landowner refuses to remit payment for the same, may be imposed as a lien against the property;
- (c) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches and any other associated facilities.
- (d) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (e) In the event that the landowner does not complete the decommissioning within six (6) months of the occurrence of any of the events set forth in § 390-59(16) (a) [1] thru [3], the Township may decommission the system, the costs of which shall be borne by the landowner or, if the landowner

refuses to remit payment for the same, may be imposed as a lien against the property.

- (f) The issuance of any building permit for construction of a small wind energy system shall be conditioned upon the landowner, on behalf of itself, its heirs, successors and assigns, agreeing to the Township's entry onto the property to take such action as necessary to remedy an immediate threat to the public health, safety or welfare, or to decommission any system as provided for herein.

**§ 390-60. Open Space/Conservation Development**

- A. Open Space/Conservation Development shall be a use permitted by right in R, RC, SR0, SR1, SR2, SR3 and UR zoning districts. Conventional residential subdivision of lands in excess of ten (10) acres permitted only by conditional use. Conventional residential subdivision of land less than ten (10) acres in size shall be a use permitted by right.
- B. The following requirements are applicable to Open Space/Conservation Development in the above-mentioned zoning districts.
  - (1) A ten (10) acre minimum tract size is required.
  - (2) Public sanitary sewage disposal and public water supply is required or an alternative means provided if designed, constructed, owned, maintained and accepted by the municipal authority and/or public utility.
  - (3) A maximum impervious coverage of thirty-five percent (35%) is permitted as applied to the gross tract area.
  - (4) A minimum of fifty percent (50%) of the lot area shall be provided as open common space as follows:
    - (a) One hundred percent (100%) of environmentally sensitive lands (see 633(2.F.1) shall be included within the common open space.
    - (b) Open space acreage requirement of the Subdivision and Land Development Ordinance shall be provided in addition to the fifty percent (50%) common open space requirements unless fee-in-lieu of open space option specifically for the Subdivision and Land Development Ordinance open space requirement is pursued.
  - (5) Residential unit type permitted shall be in accord with unit type or unit types permitted within the respective residential zoning district in which the open space/conservation development is proposed.
    - (a) Estate lots, meeting the following standards, shall be permitted:
      - [1] A minimum size of 5 acres, of which a maximum of one (1) acre may be developed with a single-family detached dwelling and customary accessory uses. Only the undeveloped portion of the estate lot may be used to meet the open space requirement of Subsection B (4).
      - [2] The one (1) acre of the state lot that may be developed shall include any portion of the site not left in its natural state or used for

agricultural purposes: all dwellings, accessory building and structure, paved areas, lawns and gardens, etc.

- [3] The developed area of the lot shall meet the setback standards of the applicable zoning district.
  - [4] Estate lots shall be restricted by permanent easement against further subdivision.
  - [5] Dwellings on estate lots shall be counted toward the maximum density permitted on a tract.
  - [6] Dwellings shall not encroach on environmentally sensitive area, and should not infringe upon scenic views from exterior roads or from the housing.
- (6) The number of residential dwelling units permitted shall be determined as follows:
- (a) Total acreage associated with environmentally sensitive lands prevalent on the tract, specifically areas associated with watercourses, ponds, wetlands, 100 year floodplains, steep slopes in excess of twenty-five percent (25%), and total acreage required for utility/water/sewer rights-of-way and/or easements, and on-site sewage disposal and/or water supply facilities, shall be subtracted from the gross tract area to arrive at the total buildable area. An additional ten percent (10%) of the remaining acreage shall be subtracted for street rights-of-way.
  - (b) Acreage associated with the total buildable area of the tract shall be divided by the by the minimum lot size requirements of the respective residential unit type within the respective residential zoning district in which open space/conservation development is proposed to arrive at the total number of dwelling units permitted.
  - (c) A site analysis plan shall be required as part of the preliminary plan submission.  
The site analysis plan shall provide the following information on existing site conditions:
    - [1] Topography;
    - [2] Soils and geology;
    - [3] Watercourses, pond, streams;
    - [4] Wetlands;
    - [5] 100 year floodplain;
    - [6] Steep slopes of fifteen percent (15%) to twenty-five percent (25%)
    - [7] Steep slopes over twenty-five percent (25%)
    - [8] Woodlands;
    - [9] Streets and rights-of-way;
    - [10] Utility rights-of-way and easements; and Structures, buildings, utilities and land use.

- (d) The site analysis plan shall include the following plan notes:
  - [1] Gross tract area;
  - [2] Area of environmentally sensitive lands; and,
  - [3] Total buildable area.
  
- (7) Area and bulk regulations for an open space/conservation development shall be provided in accord with the following:
  - (a) Minimum lot size requirements
    - [1] Minimum lot size provided per residential dwelling unit shall be established by the developer in accord with respective residential dwelling type, architectural style and the minimum front yard, side yard and rear yard setback requirements of Subsection B(7)(b).
    - [2] Provision of an individual lot per residential dwelling unit is not required for condominium developments. However, minimum front yard, side yard and rear yard setback requirements shall be met as if individual lots had been created. Minimum side yard and rear yard setbacks function as minimum separation distances between residential dwelling units.
    - [3] Individual lots and/or side yard and rear yard setbacks shall not encroach upon common open space acreage.
  - (b) Minimum front yard, side yard and rear yard setback requirements:
    - [1] A minimum front yard setback of thirty (30) feet is required.
    - [2] A minimum side yard setback of ten (10) feet is required.
    - [3] A minimum rear yard setback of forty (40) feet is required.
  - (c) Other setback requirements:
    - [1] All buildings shall be setback a minimum distance of one hundred (100) feet from all tract boundaries.
  - (d) One hundred percent (100%) of all dwelling units shall each have a minimum of twenty-five feet (25') of lot line that directly abuts upon the common open space area. At least fifty (50%) percent of the lot line shall abut the open space.
  - (e) The area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the development containing no less than thirty percent (30%) of the required open space.
  - (f) All residential dwelling units shall obtain vehicular access from streets proposed as part of the open space/conservation development. No proposed residential dwelling unit shall obtain direct vehicular access from existing municipal and/or State roads.

- (8) Streets shall be designed and constructed in accord with public road standards of the municipality regardless if streets are to be public or private. Curbs, sidewalks, streetlights and street trees shall be provided in accord with Municipal standards.
- (9) Buffer yard requirements:
- (a) A thirty (30) foot wide buffer yard shall be provided along the front, side and rear tract boundaries.
  - (b) Common open space proposed that is situated either between existing municipal and/or State roads and proposed residential dwelling units or between existing developed lands and proposed residential dwelling units does not negate the buffer yard requirement to screen residential dwelling units from adjoining roads or existing development.
  - (c) The buffer yard shall be measured from the street right-of-way line in those circumstances that the tract and/or individual lot abuts upon a public or private street. The buffer yard shall be measured from the side and rear property line if the side or rear property line does not coincide with a public or private street.
  - (d) The buffer yard is required even if boundary or street right-of-way corresponds with lands or streets within an adjoining municipality.
  - (e) If a district boundary is coincident with the centerline of a public and/or private street the buffer yard shall be measured from the street right-of-way line.
  - (f) The buffer yard may be coterminous with the required yards and in case of conflict; the larger yard requirements shall apply.
  - (g) A thirty (30) foot wide buffer yard shall contain a minimum fifteen (15) foot wide planting strip that extends the full length of the buffer yard along all boundary lines or street right-of-way line as required. This planting strip shall be landscaped in accord with this chapter. The fifteen (15) foot wide planting strip may meander within the thirty (30) foot wide buffer yard. The entire width of the buffer yard may be utilized for plant material if so desired.
  - (h) In all buffer yards, the area not within the fifteen (15) foot wide planting strip shall be planted with grass sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass, except as specifically regulated otherwise by this chapter.
  - (i) No structure, manufacturing or processing activity, or material storage shall be permitted within the thirty (30) foot wide buffer yard. Off-street parking and access drives may extend within the thirty (30) foot wide buffer yard by fifteen (15) feet unless otherwise prohibited by other regulatory requirements of this chapter.
  - (j) All buffer yard landscape planting requirements shall be in accord with regulations contained herein.
  - (k) Quantity and characteristics of plant material required shall be determined as follows:

[1] For the determination of quantity of plant material to be utilized consider three (3) rows of plant material, with plant material

staggered ten (10) feet on center in each row with each row five (5) feet apart.

- [2] A combination of separation distances may be utilized depending upon the plant material selected by the owner. The quantity and characteristics of required plant material shall be required as a minimum regardless of the desired plant spacing. Increased spacing between plant materials may precipitate the need to expand the width of the planting strip in order to accommodate the plant materials.
  - [3] The buffer shall consist of a minimum twenty percent (20%) deciduous trees and shrubs, ten percent (10%) flowering trees and shrubs and seventy percent (70%) evergreen trees and shrubs. The seventy percent (70%) of the buffer comprised of evergreen trees and shrubs shall be equally divided among the evergreen species selected.
  - [4] No more than forty percent (40%) of the plant material may be shrubs except as otherwise permitted.
  - [5] Deciduous and evergreen hedge plant material may be incorporated within the buffer yard.
- (l) Plant material may be arranged in a more natural configuration within the buffer yard.
  - (m) The use of earthen berms as part of the buffer yard is strongly encouraged. Earthen berms may undulate both horizontally and vertically to achieve a natural effect.
  - (n) The buffer yard planting shall be maintained permanently and any plant material which is determined not to be living, diseased, or in poor condition shall be replaced within thirty (30) days of notification, season permitting.
  - (o) The buffer yard planting may be broken at points of vehicular or pedestrian access.
  - (p) The buffer yard shall not obscure required sight distance requirements.
- (10) Use of common open space shall be in accord with the following:
- (a) Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use;
  - (b) Agricultural uses, including horticulture and raising of crops. No structures or retail sales are allowed on the property. Intensive agricultural uses including Concentrated Animal Feeding Operations are specifically prohibited;
  - (c) Stables, paddocks and pastureland for grazing of horses solely for non-commercial recreational purposes to be used exclusively by residents of the development and their guests. All other types of farm animals are specifically prohibited. Equestrian facilities shall be permitted but may not consume more than fifty (50%) of the minimum required common open space acreage;

- (d) Conservation of land in its natural state such as woodlands, meadows and/or fallow fields;
  - (e) Forestry with established best management practices for selective harvesting and sustained-yield forestry;
  - (f) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens and similar low-impact passive recreational uses.
  - (g) Water supply and sewage disposal systems including alternate sites and stormwater management provisions (excluding easements for drainage, access, sewer or water lines) designed, landscaped, and available for use as an integral part of the common open space acreage.
  - (h) Active non-commercial and non-municipally owned recreation areas, such as ball fields, playgrounds, tot lots, ball courts, or bikeways and their associated acreage may be attributable toward the fifty percent (50%) common open space requirement;
  - (i) Underground utility rights-of-way or easements proposed in conjunction with the open space/conservation development. Area associated with rights-of-way or easements for existing underground utilities or existing overhead utilities are excluded from open space area requirements.
- (11) The designated open space land and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:
- (a) The developer shall provide the Township with a description of the association, proof of incorporation of the association, a copy of its bylaws and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.
  - (b) The association shall be organized by the developer and operated with financial subsidization from the developer before the sale of any lots within the development.
  - (c) Membership in the association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners shall be identified.
  - (d) The association shall be responsible for maintenance and insurance on open space owned by the association, enforceable by liens place by the homeowners' association. Maintenance obligations also may be enforced by the Township, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
  - (e) The members of the association shall share equitably the costs of maintaining open space owned by the association. Shares shall be defined within the association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities

(which shall be deposited in a sinking fund reserved for just such purposes).

(f) In the event of a proposed transfer, within the methods here permitted, of open space by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all members of the association.

(g) The association shall have or hire adequate staff to administer common facilities and to properly and continually maintain the open space.

(h) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:

[1] That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);

[2] That the open space lands to be leased shall be maintained for the purposes set forth in this chapter; and

[3] That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners' association, as the case may be.

(12) Covenants and restrictions shall be established in accord with the following requirements. The following information shall be provided within any covenants and/or association documents. Ownership, administration, maintenance and use provisions associated with any and all common held amenities and facilities of a subdivision and/or land development shall be identified within a homeowner's association document, condominium association document or management association document. This information shall be submitted to the Municipality for review and approval in conjunction with subdivision and/or land development plan submission. The document shall contain the following information at a minimum:

(a) Declaration of covenants

[1] The declaration of covenants, grants of easement, conditions and restrictions shall state the requirement of mandatory membership for all residents of a development in a residents association, if such an association is to be created for ownership, administration and maintenance of any and all common held amenities and facilities.

[2] Declaration of Covenants shall include but shall not be limited to the following:

(a) Parties to the Declaration.

(b) Effective date of Declaration.

- (c) Definition of terms used in the Declaration.
  - (d) Establishment of an association (if applicable).
  - (e) Property rights of the landowner and of individual owners of property in any and all lands included within the limits of the subdivision or land development.
  - (f) Title to common held amenities and facilities including open space and recreational areas and infrastructure.
  - (g) Covenants, restrictions and use provisions associated with the common held amenities and facilities including open space and recreational areas and infrastructure.
  - (h) Membership and voting rights of developer and of residents and/or property owners in the association, if applicable.
  - (i) Rights of tenants or lessees.
  - (j) Covenant for maintenance agreement for all common held amenities and facilities including open space and recreational areas and infrastructure.
  - (k) Responsibility of owners of property concerning maintenance of individual property.
  - (l) Assessments for maintenance and special assessments.
  - (m) Collection of maintenance and special assessments.
  - (n) Exemptions from assessment.
  - (o) Architectural controls.
  - (p) Party wall agreements where applicable.
  - (q) Exterior maintenance including necessary enforcement of maintenance provisions.
  - (r) Stage developments, including rights of all owners of property in all developed areas.
  - (s) Number of occupants in an apartment unit and in townhouse unit based on number of bedrooms in the dwelling unit.
  - (t) Rights and responsibilities of the Municipality.
- (b) Articles, Certificates and By-Laws of Association including:
- [1] Name of Association.
  - [2] Organizational outline of Association.
  - [3] Date, time and place for Association meetings.

- [4] Means of notification of meetings.
  - [5] Constitution of quorum for a meeting.
  - [6] Method of election and terms of office for Officers.
  - [7] Board of Directors of Association.
  - [8] Powers, duties and responsibilities of Officers and of the Board of Directors of Association.
  - [9] Date, time and place of meetings of Board of Directors.
  - [10] Record of Association and of Board of Directors and means of public access to the records.
  - [11] Levying and collecting of assessments called for in Declaration of Covenants, Conditions and Restrictions.
  - [12] Membership and voting rights of Developer and residents in Association.
  - [13] Copies of any and all other restrictions, which will run with the land and will become covenants in the deeds of the lots.
- (c) Ownership, maintenance, use provisions and use restrictions associated with the common open space shall be identified.
- (13) Utilities shall be designed and constructed in accord with requirements of the applicable authority. All utilities shall be underground.
- (14) Management, Maintenance and Ownership of Open Space
- (a) The developer shall provide written agreements, satisfactory to the Board of Supervisors, for the perpetual preservation of the open space.
  - (b) The developer shall make arrangements, provisions or agreements to ensure that the common open space shall continue to be adequately managed and maintained.
  - (c) The developer shall have the following options for ownership, management, and maintenance of the common open space:
    - [1] Retain ownership and responsibility for the management and maintenance.
    - [2] Dedicate the land to a homeowners' association that includes all of the residents of the development.
    - [3] Convey the land to a land trust or similar non-profit organization whose purpose is to hold property in perpetuity for preservation purposes. Endowments for ongoing maintenance and other ownership expenses, if required, shall be the sole responsibility of the developer.
- (15) Maintenance Standard

- (a) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
- (b) In the event that the Association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- (c) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Chapter. The Township is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
- (d) Should any bill or bills for maintenance of undivided open space by the Township be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

**§ 390-61. Re-subdivision**

A re-subdivision within ten (10) years of a previous subdivision is discouraged and shall be carefully reviewed in accordance with SALDO to assure that all appropriate standards set forth in this Chapter are maintained.

**§ 390-62. Portable Toilets**

- A. All buildings and uses generating sewage shall be connected to public sewers if they are within one hundred and fifty feet (150') of said public sewers, or to approved, permitted and functioning on-site septic treatment systems if beyond 150' of public sewers.
- B. Portable toilets shall be allowed only as follows:
  - (1) At construction sites for the use of workers while on-site.
  - (2) Special events such as parades, inaugurations, etc.
  - (3) Municipal use.
  - (4) Seasonal use.

**§ 390-63. Bed and Breakfast**

- A. The bed and breakfast shall remain incidental and secondary to the principal use of the building as a dwelling.
- B. The operator of a bed and breakfast shall reside in the dwelling house of said facility. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family.
- C. A maximum of six (6) bedrooms shall be devoted to the bed and breakfast use.

- D. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by another government agency. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the residence.
- E. There shall be no separate cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and eating facilities shall be open only to guests.
- F. When located within one hundred (100) feet of residential use, active outdoor recreation amenities, such as a swimming pool or tennis court, shall be limited to the hours of 9:00 a.m. to 10:00 p.m.
- G. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Exeter Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.
- H. Signs associated with the bed and breakfast facility shall be in accordance with § 390-69.
- I. Bed and breakfast facilities shall provide overnight lodging accommodations not to exceed fourteen (14) consecutive nights per patron.

**§ 390-64. Yard Sale**

Yard sales shall be governed by the following:

- A. Four (4) yard sales are permitted per household in any calendar year.
- B. The maximum duration of any yard sale shall be three (3) consecutive calendar days.
- C. Any individual, group, or corporation posting advertisements within the Township shall remove from the Township right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard sale. Should the yard sale not be held, all signs, flyers, posters, and bulletins advertising the yard sale shall be removed no later than the scheduled last day of the yard sale.

**§ 390-65. Tank Farm**

The following shall apply to tank farms:

- A. No materials or wastes shall be deposited upon a lot in such a form or manner that it may be transported off by natural causes or forces.
- B. No substance which can (i) contaminate groundwater or surface water, (ii) render groundwater or surface water undesirable as a source of water supply or recreation, or (iii) destroy aquatic life shall be allowed to enter any groundwater or surface water.
- C. Tank farms shall be subject to all applicable regulations of the Pennsylvania Department of Environmental Protection.
- D. Fencing:

- (1) Fencing Design. Fencing shall serve as a structural barrier for the protection of physical assets and personnel. Fencing shall be used to channel authorized vehicle and pedestrian traffic to specific gate locations at the facility.
- (2) Fence Fabric
  - (a) The fence fabric shall be made of a heavy metal fabric appropriate to the service it is in; it should be clad with a protective coating of zinc, aluminum or aluminum alloy. The fence fabric shall withstand a breaking load sufficient to protect the fence from breaching under normally expected stress. Mesh openings in the fabric shall be no larger than 2 (two) inches.
  - (b) The fence fabric shall have a minimum height of 7 (seven) feet.
- (3) Fence Installation
  - (a) In areas where the fence is over hard surfaces (soil or pavement), the bottom of the fence fabric shall be no more than 2 (two) inches above the surface.
  - (b) In areas where the fence is over soft surfaces (soil, gravel or sand) the bottom of the fence fabric shall be below the soft surface to account for erosion. If this installation does not provide adequate protection, the bottom of the fence shall be anchored to the ground and shall have a bottom rail or support wire.
  - (c) In areas where the fence crosses uneven grades (streams, culverts or hills) the fence fabric will be extended with additional fence fabric or grating to deter penetration.
  - (d) Fence installations shall not disrupt the flow of water.
  - (e) There shall be no gaps in the fence line that would allow an individual unauthorized access.
  - (f) A top rail shall be installed on the top of the fence.
  - (g) Fencing fabric shall be stretched taut.
  - (h) Fencing installation hardware shall be of sufficient strength for the application and shall be resistant to environmental conditions and individual tampering.
  - (i) The fence shall have a 3 (three) strand barbed wire top guard facing outward from the facility at a 45 (forty-five) degree angle. The barbed wire strands in the top guard shall be spaced 6 inches apart. The arms supporting the barbed wire top guard shall withstand a weight of 250 (two hundred and fifty) pounds applied at the outer strand of barbed wire. The overall height of the fence with the barbed wire shall be a minimum of 8

(eight) feet.

(4) Posts (Fence and Gate)

- (a) Fence line posts shall be spaced equidistantly with no more than 10 (ten) feet between posts.
- (b) Fence posts shall withstand a breaking load sufficient for the service it is being placed in (but not less than 1,000 pounds).
- (c) The diameter of the postholes shall be at least 4 (four) times the largest cross section of the post.
- (d) The depth of the postholes shall be a minimum of 36 (thirty-six) inches.
- (e) After the post has been set plumb and is in alignment, the posthole shall be filled with concrete. The exposed surface of the concrete shall be crowned in order to shed water.
- (f) Terminal posts shall be braced diagonally to the nearest line posts. The angle between the brace and the ground shall be no more than 50 (fifty) degrees.
- (g) Post tops shall consist of ornamental tops or combination tops with barbed wire supporting arms as required for the fence service.

**§ 390-66. Apartments and Townhouses:**

The following shall apply to apartment and townhouses.

- A. The development shall be served by public or community sewage disposal and public or community water supply facilities.
- B. The minimum amount of land in the development shall be five (5) acres.
- C. A system for pedestrian circulation throughout the development shall be provided.
- D. The maximum height of any building shall not exceed forty-five (45) feet.
- E. The minimum building setback line shall be twenty-five (25) feet.
- F. The maximum length of an apartment building or a row of townhouses shall be one hundred sixty feet (160).
- G. No more than four (4) continuous townhouses shall have the same front setback and the variations in front setback shall be at least two (2) feet.
- H. No more than six (6) townhouses shall be in a continuous row.
- I. The minimum width of a townhouse shall be eighteen feet (18).
- J. No townhouses or apartment building shall be located within fifty feet (50) of a property line of the development.

- K. No townhouse shall be located within fifty feet (50) of a dwelling which is not in the same row of townhouses.
- L. No more than thirty percent (30%) of the total area of the development shall be covered by buildings.
- M. No more than thirty-five percent (35%) of the total area of the development shall be paved.
- N. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
- O. No less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open space areas may be reserved for private use or dedicated to the Township, if acceptable to the Township. For land which is not dedicated to the Township, a written agreement satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.
- P. Off-street parking spaces shall be provided in accordance with § 390-37Q.
- Q. All dead-end parking lots shall provide adequate areas into which cars parked in the end stall of the lots may back.
- R. Common parking areas and access drives shall be located a minimum of twenty feet (20') from all structures and from the exterior of lot lines of the development.
- S. Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- T. Parking areas shall not be designed or located to require cars to back into Collector or Arterial Streets (as defined in the Township Subdivision and Land Development Ordinance) in order to leave the parking areas.
- U. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- V. Entrances and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest street curb lines.

**§ 390-67. Electric Power Production**

The following shall apply to electric power production.

- A. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.
- B. All fuel stored within tanks is subject to § 390-65, Tank Farms.
- C. All Federal, State and supplemental requirements as specified in this Chapter pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over the facility.

- D. A screen buffer shall be provided between the facility and any residentially used or zoned property.
- E. Area, Yard and Height Regulations

<b>Electric Power Production</b>	<b>MAXIMUM PERMITTED</b>
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
<b>MINIMUM REQUIREMENTS</b>	
Lot Size	5 acres
Building Setback	100 feet
Lot Width	
At street line	300 feet
At building setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement Setback	20 feet
Distance Between Highway Access Points	100 feet

**§ 390-68. Cogeneration Electric Power Production**

The following shall apply to cogeneration electric power production:

- A. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.
- B. All fuel stored within tanks is subject to Section 390-65, Tank Farms.
- C. All Federal, State and supplemental requirements as specified in this Chapter pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over the facility.
- D. When the cogeneration facility is intended as an accessory use to an existing or proposed sanitary landfill on a site, and is intended to utilize methane generated on-site as the source of fuel the following conditions shall be met:
  - (1) The methane shall constitute at least **sixty (60) percent** of the fuel source used to generate electricity.
  - (2) It shall be demonstrated that there is a net environmental benefit within the Reading Area Air Basin (as defined by EPA) in the operation of the cogeneration facility over not operating the facility.
- E. A screen buffer shall be provided between the facility and any residentially used or zoned property.

F. **Area, Yard and Height Regulations**

<b>Cogeneration Electric Power Production</b>	<b>MAXIMUM PERMITTED</b>
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
<b>MINIMUM REQUIREMENTS</b>	
Lot Size	5 acres
Building Setback	100 feet
Lot Width	
At street line	300 feet
At building setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement Setback	20 feet
Distance Between Highway Access Points	100 feet

G. No access point shall be permitted to U.S. Route 422. All access points shall be to a road which intersects U.S. Route 422 at a traffic light.

H. The land on which all improvements are made shall be aesthetically improved so as to complement the neighborhood wherein they are constructed and a landscaping plan shall be submitted in accordance therewith unto the Township for approval.

**§ 390-69. Regulations for signs.**

- A. Purpose and intent: The purpose and intent of this Section is to regulate the potentially deleterious impact of signs on the Township; to improve the appearance of the Route 422 Corridor; to insure the compatibility of signs with adjacent and nearby land uses; to limit the aesthetic impact that a multitude of clustered signs has on the Township; and to limit and reduce the traffic safety problems that are caused by signs that distract a driver's attention away from the roadway.
- B. General Regulations Applicable to all Signs.
- (1) Except in the case of traffic control signs, school warning signs, time and/or temperature signs and electronic signs erected pursuant to Subsection D below, signs shall not contain moving parts nor use flashing or intermittent illumination, and the source of light shall be steady and stationary.
  - (2) No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
  - (3) At all street intersections, no sign except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Chapter shall be permitted within a clear sight triangle. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the centerlines of the intersection streets, except that a clear sight triangle of one hundred fifty feet (150') shall be provided for all intersections with or of arterial highways. In addition, sight distance shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies, Section 201.6.16.
  - (4) No sign other than traffic control signs, school warning signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
  - (5) No sign shall be utilized in a manner, which produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties, streets, and public roads.
  - (6) No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.
  - (7) No sign, which emits smoke, vapors or particulates, sound, or odor shall be permitted.
  - (8) No portion of any sign shall project over a lot line.
  - (9) The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage, or similar items shall be permitted.

- (10) Every sign shall be constructed of durable material and kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. All signs shall be installed in compliance with building and electrical codes as-adopted by the Township.
- (11) Height – Freestanding Signs. The height of any part of a free-standing sign in the RC, AP, R, SR0, SR1, SR2, SR3, and UR zoning districts shall not exceed ten (10) feet, as measured from the edge of the cartway nearest the sign to the highest part of the sign. The height of a free-standing sign in the HC Highway Commercial, SCC Shopping Center Commercial, LI Light Industrial or GI General Industrial Zoning Districts shall not exceed thirty (30) feet, as measured from the edge of the cartway nearest the sign to the highest part of the sign.
- (12) Height – Building Sign No portion of a sign, which is attached to a building, or which projects from a building shall extend more than five (5') feet vertically above the height of the building.
- (13) No building sign shall project more than twelve (12) inches from the building facade to which it is attached, except that building signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four (4) feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one side, and all portions of all such signs are at least eight (8) feet above the ground.
- (14) No vulgar, indecent or obscene signs may be displayed in any manner.
- (15) No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way.
- (16) All sign provisions of this Chapter shall apply to the use of silos, smokestacks, water towers and other similar structures as signs.
- (17) Signs on mobile stands, which can be moved from place to place, and signs on any vehicle or moveable structure are prohibited.
- (18) With the exception of Traffic Control signs, signs which make use of words such as “STOP, LOOK, ONE-WAY, DANGER, YIELD”, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
- (19) Portable signs are prohibited.
- (20) Vehicular signs are prohibited.

- (21) Temporary signs other than those recognized by this Chapter are prohibited.
- (22) Signs are prohibited on public property or public rights-of-way, unless erected by a governmental body or otherwise permitted by the Code Enforcement Officer and bearing no commercial advertising.
- (23) Search lights, pennants, spinners, banners and streamers except as otherwise stated in this Chapter are prohibited.
- (24) Electronic signs shall only be permitted pursuant to Subsection D below.
- (25) All signs must comply with Exeter Township Ordinance No. 612 (i.e., the Outdoor Lighting Ordinance), as may be amended from time to time. The provisions of the Outdoor Lighting Ordinance are expressly incorporated into this provision as if the same were set forth at length.
- (26) The provisions of the Tree Ordinance, as may be amended from time to time, are expressly incorporated into this provision as if the same were set forth at length.
- (27) A sign permit applicant must obtain all necessary outside agency approvals prior to erection of a sign, including, but not limited to approval from the Pennsylvania Department of Transportation, as may be required.

**C. Specific Sign Regulation**

All signs shall comply with the corresponding requirements and regulations set forth on Table 390-69 (Signs)

**D. Additional Criteria for Off-Premises Freestanding Signs**

In Addition to the above criteria and the criteria set forth on Table 390-69, the following criteria shall apply to Off-Premises Freestanding Signs:

- (1) Off-premises Freestanding Signs may only be erected and maintained in the HC Highway Commercial, SCC Shopping Center Commercial, LI Light Industrial, or GI General Industrial Zoning Districts (noting, however, that Off-premises Freestanding Signs shall not be permitted along Business Route 422 [a.k.a. Perkiomen Avenue] between East Neversink Road and the western Township boundary line with St. Lawrence Borough to the northwest) in compliance with this Section.
- (2) One (1) off-premises freestanding sign shall be allowed for each street, highway or driveway having frontage on any one property. Off-premises freestanding signs may be permitted in a back-to-back configuration or a V-type configuration pursuant to the provisions of this Section. Each off-premises freestanding sign in a V-shaped or back-to-back sign is permitted to be up to or equal to 300 square feet in size, noting that such signs shall require special exception approval pursuant to Section 390-69(F) herein.

- (3) All such signs shall be setback a minimum of three hundred (300) feet from any other off-premises freestanding sign and six hundred (600) feet from any V-type or back-to-back orientated off-premises freestanding sign. With respect to any off-premises freestanding signs proposed to be located on a limited access highway, as designated by the Pennsylvania Department of Transportation, such signs shall be setback a minimum of five hundred (500) feet from any other off-premises freestanding sign and six hundred (600) feet from any V-type or back-to-back orientated off-premises freestanding sign.
- (3) Setback from Residential Dwelling Unit. Except as governed by a greater setback required in Section 390-69, all off-premises freestanding signs must be setback a minimum of 150 feet from the boundary of any residential zoning district and from the boundary of any property on which a residential dwelling unit is situated.
- (4) V-type or Back-to-Back Freestanding Signs. Two (2) signs are permitted in a V-type or back-to-back orientation, provided that:
  - (a) Such signs be setback a minimum of 600 feet from any other freestanding sign;
  - (b) With respect to V-type signs, the signs shall be at least five (5) feet apart at the closest point, and the interior angles shall not be greater than 30°. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure; and
  - (c) With respect to back-to-back signs, the signs shall be parallel and directly opposite from each other, and shall not be spaced more than 15 feet apart. The size and shape of the signs should not deviate from each other, and they shall utilize the same support structure.

#### **E. Additional Criteria for Off-Premises Electronic Signs**

In addition to the above criteria and the criteria set forth on Table 390-69, the following criteria shall apply to Off-premises Electronic Signs:

- (1) Off-Premises Electronic Signs may only be erected and maintained in the HC Highway Commercial, SCC shopping Center Commercial, LI Light Industrial, or GI General Industrial Zoning Districts (noting, however, on-premises Electronic Signs shall also be permitted in the NC Neighborhood Commercial Zoning District and that Off-Premises Electronic Signs shall not be permitted along Business Route 422 [a.k.a. Perkiomen Avenue] between East Neversink Road and the western Township boundary line with St. Lawrence Borough to the northwest) in compliance with this Section.
- (2) Off-premises Electronic signs must comply with all provisions of Section 390-69(D) above.

- (3) Off-premises Electronic Signs may not contain any flashing, scrolling or moving lights, text or graphics, or any full-motion video.
- (4) Change Interval: Off-premises Electronic signs must provide a minimum change interval of at least fifteen (15) seconds. A “change interval” is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another advertisement.
- (5) Transition Interval: Off-premises Electronic Signs must provide a maximum transition interval of one (1) second. The “transition interval” is defined as the time period in which the display of an electronic sign transitions to another display.
- (6) Setback from Residential Dwelling Unit. All Off-premises Electronic Signs must be setback a minimum of 300 feet from any residential zoning district and from the boundary of any property on which a residential dwelling unit is situated.
- (7) Off-premises Electronic Signs must comply with Exeter Township Ordinance No. 612 (i.e. the Outdoor Lighting Ordinance adopted on January 23, 2006, as may be amended from time to time). Off-premises Electronic Signs may not operate before sunrise or after 11:00 p.m., consistent with Outdoor Lighting Ordinance Section 612.
- (8) At no point on the electronic sign shall the luminance exceed 340cd/m<sup>2</sup> after sunset.
- (9) Off-premises Electronic Signs may not be located in the Neighborhood Commercial Zoning District or the Restricted Office Commercial Zoning District.
- (10) Off-premises Electronic Signs must be setback at least 500 feet from all street intersections, measured from the point of intersection of the center lines of the intersecting streets, nor may Electronic Signs be permitted in any area where they impinge upon the clear sight triangle of any street intersection.

#### **F. Special Exception Criteria**

In addition to the above criteria and the criteria set forth on Table 390-69, an off-premises freestanding sign or an off-premises electronic sign, greater than thirty-two (32) square feet and equal to or less than 300 square feet, shall be permitted only by special exception, upon an applicant

- (1) demonstrating compliance with Zoning Ordinance Section 390-96(H);
- (2) demonstrating compliance with the provisions of this Section 390-69;
- (3) establishing that the proposed sign is setback a minimum of 300 feet from the

boundary of any residential zoning district and from the boundary of any property on which a residential dwelling unit is situated;

- (4) establishing that the proposed freestanding sign will be setback at least 500 feet from all street intersections, measured from the point of intersection of the center lines of the intersecting streets, that the freestanding sign does not impinge upon the clear sight triangle for the intersection, and that the freestanding sign will not cause any danger to pedestrians or vehicular traffic; and
- (5) establishing that the proposed freestanding sign will not create a public health, welfare or safety concern.
- (6) Off-premises freestanding signs greater than 300 square feet shall not be permitted.

**TABLE 390-69**  
**Summary Chart for Sign Requirements**

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
					<u>Front</u>	<u>Side</u>	<u>Rear</u>	
Agricultural Sign	All Zoning Districts	By right.	10 ft/30 ft**	32 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	No more than one (1) Agricultural Sign per frontage per property
Building Signs	HC, SCC, LI, GI, ROC, RVO and NC Zoning Districts	By right.	5 ft vertically above height of building	Sign to be located on Frontage Wall – Maximum sign size equal to 2 ft <sup>2</sup> per length of Frontage Wall (max of 500 ft <sup>2</sup> )  Sign to be located on Other Walls – Size equal to 1 ft <sup>2</sup> per length of Other Wall (max of 300 ft <sup>2</sup> )	NA	NA	NA	Area of any Window Sign shall not be utilized to calculate size of permitted Building Sign.  May be allocated to any number of separate Building Signs along the respective wall (i.e., the Frontage Wall or Other Wall). There shall be no limit to the number of Building Signs per Frontage Wall or Other Wall, provided that the square footage does

<b>Type of Sign</b>	<b>Zoning District(s)</b>	<b>Zoning Relief</b>	<b>Maximum Height (feet)</b>	<b>Maximum Size (square feet)</b>	<b>Setbacks (feet)</b>			<b>Miscellaneous</b>
								not exceed the total square footage calculations as herein provided.
Contractor Sign	All Zoning Districts	By right.	10 ft	32 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	Remove immediately upon completion of work.  Located only on the property on which work being done.  No more than one (1) Contractor Sign per frontage per property.
Directional Signs	All Zoning Districts	By right.	10 ft/30 ft**	4 ft <sup>2</sup>	NA	NA	NA	
Electronic Sign – Off-Premise	HC, SCC, LI, GI Zoning Districts ***	By right.	10 ft/30 ft**	≤32 ft <sup>2</sup>	10 ft or distance equivalent to height of sign.****	10 ft or distance equivalent to height of sign.****	10 ft or distance equivalent to height of sign.****	See § 390-69(E).
Electronic Sign – Off-Premise	HC, SCC, LI, GI Zoning Districts ***	By special exception, pursuant to § 390-69(F)	10 ft/30 ft**	> 32 ft <sup>2</sup> ≤ 300 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	See § 390-69(E) and (F).

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
Electronic Sign – On-Premise	All Zoning Districts, except RC, AP, R, SR0, SR1, SR2, SR3, and UR Zoning Districts	By right	10 ft/30 ft**	≤100 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	<p>Such signs may not contain any flashing, scrolling or moving lights, text, graphics or full-motion video.</p> <p>Such signs must provide a change interval of at least fifteen (15) seconds.</p> <p>Such signs must provide a maximum transition interval of one (1) second.</p> <p>Such signs must comply with the Exeter Township Ordinance No. 612 (i.e., the Outdoor Lighting Ordinance, adopted on January 23, 2006, as may be amended from time to time).</p> <p>At no point shall the luminance on such sign exceed 340 cd/m<sup>2</sup> after sunset.</p>
Electronic	RC, AP,	By right	10 ft/30	≤32 ft <sup>2</sup>	10 ft or	10 ft or	10 ft or	Such signs may not

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
Sign – On-Premise	R, SR0, SR1, SR2, SR3, and UR Zoning Districts		ft**		distance equivalent to height of sign****	distance equivalent to height of sign****	distance equivalent to height of sign****	<p>contain any flashing, scrolling or moving lights, text, graphics or full-motion video.</p> <p>Such signs must provide a change interval of at least fifteen (15) seconds.</p> <p>Such signs must provide a maximum transition interval of one (1) second.</p> <p>Such signs must comply with the Exeter Township Ordinance No. 612 (i.e., the Outdoor Lighting Ordinance, adopted on January 23, 2006, as may be amended from time to time).</p> <p>At no point shall the luminance on such sign exceed 340 cd/m2 after sunset.</p>
Flag or Pennant	All Zoning Districts	By right.	NA	NA	NA	NA	NA	

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
Freestanding Signs – Off-Premise ( $\leq 32$ ft <sup>2</sup> in area)	HC, SCC, LI, GI Zoning Districts ***	By right.	30 ft	$\leq 32$ ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	See Section 390-69(D).
Freestanding Sign – Off-Premises ( $>32$ ft <sup>2</sup> , but $\leq 300$ ft <sup>2</sup> )	HC, SCC, LI, GI Zoning Districts ***	By special exception – see § 390-69(F)	30 ft	$> 32$ ft <sup>2</sup> $\leq 300$ ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	See Section 390-69(D) and (F).
Freestanding Signs – On-Premise	All Zoning Districts	By right	10 ft/30 ft**	$\leq 100$ ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	In the case of a property containing more than one (1) commercial or industrial use, one (1) permanent on-premises freestanding sign may be erected on each street frontage. The area of one (1) side of such sign may be up to one (1) square foot for each 1,000 square feet of gross floor area, with an allowable minimum of 100 ft <sup>2</sup> and an allowable maximum of 160 square feet.

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
Governmental Signs – Building Sign	All Zoning Districts	By right.	5 ft vertically above height of building	50 ft <sup>2</sup>	NA	NA	NA	
Governmental Signs – Freestanding	All Zoning Districts	By right.	10 ft/30 ft**	50 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	No more than two (2) freestanding governmental signs may face any one (1) street on a property (excepting Building Signs).
Identification Signs	All Zoning Districts other than HC, SCC, LI, GI, NC, ROC and RVO	By right.	10 ft/30 ft**	32 ft <sup>2</sup> per side 64 ft <sup>2</sup> total (if double-faced and if used exclusively for non-commercial purposes/messages)	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	No more than two (2) Identification Signs may be erected on any frontage on any one property (excepting Building Signs).  No more than one (1) Identification Sign shall be permitted for each entrance to the site from a public street.  Identification Signs for residential subdivisions shall be maintained by either

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
								the subdivider/developer or through a property owner's association (such as a homeowners' association).
Identification Sign	HC, SCC, LI, GI, NC, ROC and RVO Zoning Districts	See provisions for Freestanding Signs, On-Premises.						
Memorial Signs	All Zoning Districts	By right.	10 ft/30 ft**	32 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	
Professional Sign	All Zoning Districts.	By right	10 ft/30 ft**	6 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	No more than one (1) such sign shall be permitted for each permitted use or dwelling.
Promotional Sign	All Zoning Districts	By right	30 ft	32 ft <sup>2</sup>	NA	NA	NA	Such signs may be utilized by a business on a property no more than four (4) times per calendar year,

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
								limited to being no more than fifteen (15) calendar days each instance.  The signs may only be placed on the property on which the business being advertised is conducted.
Public Utility Sign	All Zoning Districts	By right.	10 ft/30 ft**	12 ft <sup>2</sup>	NA	NA	NA	
Real Estate Sign	All Zoning Districts other than HC, SCC, LI, GI, NC, ROC and RVO	By right.	10 ft/30 ft**	9 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	Remove immediately upon rental or sale.  Located only on the property for sale or rental.  No more than two (2) Real Estate Signs on any one street frontage per property.
Real Estate Signs	HC, SCC, LI, GI, NC, ROC and RVO	By right.	30 ft	32 ft <sup>2</sup>	10 ft or distance equivalent to height of	10 ft or distance equivalent to height of	10 ft or distance equivalent to height of	Remove immediately upon rental or sale.  Located only on the

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
					sign****	sign****	sign****	property for sale or rental.  No more than two (2) such Real Estate signs may face any one street frontage per property.
Recreational Facility Sign – Building Sign	All Zoning Districts	By right	5 ft vertically above height of building	32 ft <sup>2</sup>	NA	NA	NA	
Recreational Facility Sign – Freestanding	All Zoning Districts	By right	10 ft/30 ft**	32 ft <sup>2</sup>	10 ft	10 ft	10 ft	No more than three (3) such signs may face any one (1) street per property.
Street Directory Signs	All Zoning Districts	By right.	10 ft/30 ft**	32 ft <sup>2</sup>	NA	NA	NA	Only one street directory sign shall be permitted per entrance to a site from a public street.
Temporary Signs	All Zoning Districts	By right.	10 ft/30 ft**	32 ft <sup>2</sup>	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	10 ft or distance equivalent to height of sign****	Vehicular Signs are not permitted.  The date of erection of a Temporary Sign shall be set forth on the sign, together with a telephone

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
								<p>number of the individual responsible therefor.</p> <p>Temporary signs may be displayed no more than 60 days prior to the event or 60 days after erection, whichever is earlier.</p> <p>Such signs shall be removed within seven (7) days after the event, or within sixty-seven (67) days after erection, whichever is earlier.</p>
Traffic Control Signs	All Zoning Districts.	By right	10 ft/30 ft**	NA	NA	NA	NA	Traffic Control Signs are not permitted to display commercial advertising.
Traffic Control Signs, Internal	All Zoning Districts.	By right	10 ft/30 ft**	6 ft <sup>2</sup>	NA	NA	NA	Internal traffic control signs shall not bear any commercial advertising.
Trespassing Signs	All Zoning	By right.	10 ft/30 ft**	4 ft <sup>2</sup>	NA	NA	NA	

<u>Type of Sign</u>	<u>Zoning District(s)</u>	<u>Zoning Relief</u>	<u>Maximum Height (feet)</u>	<u>Maximum Size (square feet)</u>	<u>Setbacks (feet)</u>			<u>Miscellaneous</u>
	Districts							
Window Sign – On-Premise	HC, SCC, LI, GI Zoning Districts	By right	NA	NA	NA	NA	NA	

\* Note that all signs must comply with the General Regulations, set forth in Section 390-69(B).

\*\* See 390-69(B)(11).

\*\*\* Off-premises Freestanding Signs may only be erected and maintained in the HC Highway Commercial, SCC Shopping Center Commercial, LI Light Industrial, or GI General Industrial Zoning Districts (noting, however, that Off-premises Freestanding Signs shall not be permitted along Business Route 422 (a.k.a. Perkiomen Avenue) between East Neversink Road and the western Township boundary line with St. Lawrence Borough to the northwest).

\*\*\*\*All such signs shall be setback from the front, side or rear lot line a minimum distance equivalent to the height of the sign, or, a minimum of ten (10) feet from the front, side or rear lot lines, whichever is greater.

**Disclaimer:** Where a conflict in the chapter exists, the more stringent provisions shall apply

**§ 390-70. Adaptive Reuse Standards**

The adaptive reuse of an existing historic structure shall be permitted in all zoning districts and overlay districts when in accordance with the standards set forth below:

**A. General Criteria**

- (1) The adaptive reuse of an existing historic structure shall comply with the use requirements of the applicable zoning district. Area and bulk requirements may be modified through the conditional use process. The Board of Supervisors, in reviewing a conditional use application for relief from the area and bulk requirements, shall, in conjunction with the requirements under § 390-96G, give favorable consideration where the applicant has demonstrated sensitive restoration, including preservation of facades, rehabilitation using material and design authentic and appropriate to the architecture, and preservation of the building mass as it appears from all public rights-of-way.
- (2) Every effort shall be made to maintain or restore the building or structure to its original architectural style and bulk. Additions shall complement the existing architectural style and bulk of the structure and require approval of the Board of Supervisors upon recommendation by the Historical Commission and the Planning Commission.
- (3) Additional entrances, when required, shall be placed on the side or rear of the building to avoid disruption of the façade.
- (4) Removal or alteration of distinctive stylistic and architectural features of the structure which contribute to the character of the surrounding neighborhood or the historic value of the structure shall not be permitted without approval of the Board of Supervisors upon recommendation by the Historical Commission and the Planning Commission.
- (5) Deteriorated architectural features that contribute to the character of the neighborhood or historical value of the structure shall be repaired rather than replaced. In the event that the applicant can demonstrate that the replacement is necessary, the new material shall match the material being replaced in composition, color, design, texture, and other visual qualities.
- (6) An Application for adaptive reuse shall be accompanied by the following information:
  - (a) A floor plan and proposed revisions and modifications to the interior and exterior of the existing structure(s).
  - (b) Information required by § 390-96H– Special Exception and § 390-96G– Variances, as it applies to the proposed adaptive reuse.
- (7) The Planning Commission or Historical Commission may recommend that the Board of Supervisors designate the structure and surrounding property as Historical Control Area, subject to § 390-51.

**B. Adaptive Reuse Standards.** The following standards and criteria shall govern the design and review procedures for the adaptive reuse of existing historic structures for which conditional use approval is sought in accordance with the base or overlay zone of this Chapter:

- (1) Permitted Adaptive Reuse Opportunities. In addition to the uses permitted by right, special exception or conditional use in the base or overlay Zoning District, the following uses shall be permitted by right for adaptive reuse:
  - (a) Single family detached dwelling (including single farm dwelling)
  - (b) Retail Sales subject to the following:
    - [1] No more than 10% of the floor area devoted to retail sales shall be permitted on display outside of a building.
    - [2] Drive-thru sales are not permitted.
    - [3] The commercial use, including the storage, shall not exceed 2,500s.f. of floor area. The Board of Supervisors may permit such a commercial use to exceed 2,500 square feet by conditional use pursuant to Section 808, provided that an applicant establish that:
      - [a] the property otherwise complies with the applicable area, yard and height requirements;
      - [b] the existing infrastructure is sufficient to accommodate the proposed use;
      - [c] the proposed parking is adequate to accommodate the proposed use; and
      - [d] the proposed retail use:
        - [i] will not alter the essential character of the neighborhood or district in which the property is located;
        - [ii] will not substantially impair the appropriate use or development of an adjacent property; and
        - [iii] will not be detrimental to the character of the surrounding neighborhood.
    - [4] Vehicle fueling operations are not permitted.
    - [5] Adult Bookstores are not permitted.
  - (c) Banks, savings and loan associations, finance companies and similar types of businesses subject to the restriction that drive-thru services are not permitted.
  - (d) Business, professional or governmental offices or studios.
  - (e) Multiple and single family residential use above a business/professional office or retail use (“Dual Use”) subject to the following:
    - [1] Each dwelling unit shall contain at least 500 s.f. of indoor living space and shall include a kitchen and a private bathroom.
    - [2] The density shall not exceed two dwelling units per Acre (2 D.U./Acre).

- [3] When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
- (f) Municipal use.
- (g) No Impact Home Based Business subject to § 390-39.
- (h) Hotels subject to the following:
  - [1] There shall be no cooking facilities or laundry facilities in any guest room as would require fire suppression systems by the Department of Agriculture.
  - [2] Overnight lodging accommodations shall not exceed thirty (30) consecutive nights per patron.
  - [3] When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
- (i) Restaurants, taverns and similar types of establishments subject to the following:
  - [1] Cabarets are not permitted.
  - [2] Drive-thru restaurants are not permitted.
  - [3] When an on-lot sewage disposal system is to be used, the applicant shall possess a valid Exeter Township Sewage permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the system fail.
- (j) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.
- (2) Uses Permitted by Special Exception. In addition to the uses permitted by right, special exception or conditional use in the base or overlay Zoning District, the following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with § 390-96H.
  - (a) Churches or similar places of worship.
  - (b) State licensed day care center, and nursery school.
  - (c) Fire Company.
  - (d) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ 390-29 and 390-30.

- (3) Uses Permitted by Conditional Use. The following uses are permitted when a Conditional Use is approved by the Board of Supervisors in accordance with §390-90:
  - (a) Bed and Breakfast per § 390-63.
  - (b) Home Occupation subject to § 390-40.
- (4) Area and Bulk Standards.
  - (a) The area and bulk standards for the base-zoning district shall apply to the adaptive reuse of existing structures. Variance to area and bulk standards may be granted by the Zoning Hearing Board upon recommendation of the Board of Supervisors after review by the Historical Commission and Planning Commission, taking into consideration the factors listed in Subsection A(1).
  - (b) Lot coverage. Relief of up to an additional 10% may be granted by the Board of Supervisors from the maximum permitted lot coverage (including buildings, paving and other impervious surfaces) permitted in the base zoning district, provided that stormwater management requirements are met, and there are no other adverse effects on the surrounding neighborhood without requiring a variance from the Zoning Hearing Board.

**§ 390-71. Farmers Market**

The following shall apply to farmers markets:

- A. A Farmers Market shall be permitted as an accessory, temporary use in any Zoning District.
- B. An applicant seeking to operate a Farmers Market (with the exception of the Township of Exeter as an applicant) must obtain a Zoning Permit from the Township Zoning Officer prior to such use. The permit application must include: the name, address, telephone number and emergency contact number of the individual(s) who shall be responsible for managing the Farmers Market; the name, address, and telephone number of each vendor; the type of commodity offered by each vendor; a plan that depicts the location of each vendor stall; and the proposed hours of operation of the Farmers Market. In the event that the applicant is not the legal or equitable owner of the property on which a Farmers Market is proposed, the applicant must submit written approval for such use on the property from the legal owner of the property.
- C. A Farmers Market may not be permitted to operate for more than two (2) days in succession, at any one time. An applicant may submit a single zoning permit application in order to utilize a property as a Farmers Market for multiple, discrete dates within a single calendar year.
- D. In the event that a Farmers Market will operate for more than a single day on a property, the applicant shall ensure that: vendor stalls and vendor goods are removed overnight; or vendor stalls are adequately secured against theft, vandalism, and inclement weather.
- E. Each vendor space in a Farmers Market must be at least ten (10') feet in width.
- F. Parking. Two (2) parking spaces shall be required for each ten (10) feet in width of vendor space. In the event that the Farmers Market is located on a property that has a principal use with days or hours of operation that do not overlap with the days or hours of operation of the Farmers Market, any parking spaces serving the principal use may be

counted toward the required number of parking spaces for the Farmers Market. In the event that the Farmers Market is located on a property that has a principal use with hours of operation that overlap with the hours of operation of the Farmers Market, shared parking may be permitted only if the applicant can demonstrate that the parking provided will be sufficient for each use. .

- G. No vendor stall shall be situated such that it interferes with any clear sight triangle.
- H. In the event that a Farmers Market will include more than ten (10) vendors, the applicant must provide event security and adequate traffic controls, as approved by the Township Board of Supervisors.

**§ 390-71.1 Boarding Kennel (short-term)**

The following regulations shall apply to Boarding Kennels (short-term):

- A. To the extent required by the Pennsylvania Dog Law, the operator must possess a current, valid Pennsylvania Department of Agriculture kennel license.
- B. Noise control.
  - (1) The facility shall comply with all provisions of the Exeter Township Noise Ordinance as amended.
- C. Odor control.
  - (1) The facility shall comply with the provisions of the Environmental Protection Standards (§390.35)
- D. Rodent Control.
  - (1) The facility shall be kept rodent-free. (see Vector Control Ordinance, as amended).
- E. Animal waste (fecal matter) shall be collected and properly disposed of daily (see Animal Control Ordinance, as amended).
- F. Outdoor exercise area, if utilized, must be completely enclosed with a six foot (6') high (minimum) fence; fence gate(s) must be locked at all times; the fenced area shall not encroach into any required yard area (i.e., the required minimum front yard, rear yard or side yard) of the property on which the kennel is located.
- G. Overnight stays are prohibited.

**§ 390-71.2 Undefined or Other Land Uses**

- A. Other types of land uses, not specifically identified, regulated or recognized within this Chapter of the Code, may evolve or become commonly acceptable as a reasonable use within the Township. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within the Township.
- B. All undefined or other reasonable land uses that are not otherwise regulated by this Code shall be permitted by conditional use within the GI General Industrial Zoning District.

- C. Unless otherwise permitted by the Board of Supervisors as part of the conditional use application and proceedings, the following requirements shall apply to all undefined or other reasonable land uses which are not recognized by this Code:
- (1) The Applicant shall comply with Section 390-90 (pertaining to conditional use applications).
  - (2) The Applicant shall establish that the use complies with the Area, Yard and Height Requirements set forth in Section 390-25.
  - (3) The Applicant shall establish that the use complies with the Performance Standards, as set forth in Section 390-35.
  - (4) The Applicant shall establish that the use complies with the Design Standards set forth in Section 390-34.
  - (5) The undefined use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (6) Together with its conditional use application, the Applicant shall submit to the Township a request for inclusion of an undefined or other reasonable land use that is not recognized as part of the Code, with illustrations and complete documentation that fully describes the land use activity and the manner in which it differs from the permitted uses defined or permitted by the Code.
  - (7) The Applicant shall provide evidence that the undefined use shall comply with all provisions established within the Code. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.
  - (8) Applicant shall establish that it complies with all state, federal or other regulations pertaining to the proposed use.
  - (9) Applicant shall establish that the proposed use does not adversely affect the public health, safety or welfare.

### **§ 390-71.3. Group Homes**

- A. A group home is permitted by special exception in only the R Rural, LI Light Industrial and RC Rural Conservation Zoning Districts.
- B. Unless otherwise specified by this Code, all group homes shall be located on approved lots which comply with all applicable dimensional requirements, the performance standards, the design standards, and the area, yard and height regulations, which are further specified by the appropriate zoning district to which the group home is located.
- C. All group homes shall comply with the following general standards and requirements, which the Applicant bears the burden of establishing in pursuing its special exception application:
  - (1) A site plan or land development plan shall be accurately prepared for a proposed group home. The site plan or land development plan shall show the location and the dimensions of the group home, off-street parking areas, private entrances,

walkways, fencing and landscaping. These plans shall show the dimensions, intended use and square footage of each room and storage area within the group home.

- (2) One off-street parking space shall be provided per employee, computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one space for every four (4) residents within the group home. Garage space shall not be used in calculating off-street parking.
- (3) No more than two (2) live-in employees or supervisors shall reside in a group home.
- (4) The residential exterior appearance of the structure and premises shall be maintained. No external alterations, additions, or changes to the exterior of the structure are permitted, except as may be required by the Pennsylvania Department of Welfare or other governmental agency, or as may be needed for safety reasons or to accommodate the physically handicapped. When the group home use is abandoned, the dwelling shall be restored to its prior dwelling unit status.
- (5) There shall be no more than one (1) kitchen or cooking facility (with the exception of facilities existing as of the date of this Ordinance that contain more than one (1) kitchen or cooking facility). Meals shall be served to employees, residents and visitors only. No separate cooking facilities are permitted for any occupant.
- (6) The applicant shall provide documentation to the Township Code Enforcement Officer, Sewage Enforcement Officer and Zoning Officer that the group home complies with all sewer, water, building, fire, plumbing, heating, electrical and similar facilities, and that the same meets the applicable standards established by the Exeter Township Code and by the Commonwealth of Pennsylvania.
- (7) The applicant shall provide documentation to the Code Enforcement Officer and Zoning Officer that the group home has been licensed as a group home by the Pennsylvania Department of Public Welfare and shall meet all current DPW regulations, including those standards governing indoor space and applicable state and local building and fire safety codes. The applicant shall maintain a current and valid license as a group home from DPW.
- (8) Although live-in supervision is not mandatory, the applicant shall provide evidence and documentation to the Township that it will provide the residents of the group home with the physical safety and emotional support that is required. Immediate contact with a manager or supervisor of the agency or operator of the group home shall be available twenty-four (24) hours per day, seven (7) days per week to the authorized representatives of the Township. The applicant shall further provide evidence to establish that its proposed group home, its facilities and its operation will neither cause a direct threat to the public health, safety or welfare, nor constitute a direct threat to the safety of the nearby residents or properties.
- (9) No group home shall have more than fourteen (14) residents at any given time period, not including the live-in supervisors and employees. As a reasonable accommodation as set forth in the Federal Fair Housing Amendments Act, 42 U.S.C.A. §3601 et seq., and in order to enable persons with handicaps equal access to housing, the Zoning Hearing Board may grant a Reasonable Accommodation, as defined in this Zoning Ordinance, from this provision.

- (10) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan should be submitted to the Township Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit. The owner and operator of the group home shall provide a copy of the emergency management plan to the social workers and tenants of the group home.
- (11) An applicant shall establish compliance with Exeter Township Zoning Code Section 390-96(H).

D. As part of the special exception application, the Zoning Hearing Board may impose conditions as deemed necessary or appropriate.

**§ 390-71.4. Correctional Facility and Group Institution**

- A. A Correctional Facility or a Group Institution is permitted by special exception in the LI Light Industrial Zoning District.
- B. Unless otherwise specified by this Code, all Correctional Facilities and Group Institutions shall be located on approved lots that comply with all applicable dimensional requirements, the performance standards, the design standards, and the area, yard and height regulations, for the LI Light Industrial Zoning District.
- C. All Correctional Facilities and Group Institutions shall comply with the following general standards and requirements, which the Applicant bears the burden of establishing in pursuing its special exception application:

- (1) A site plan or land development plan shall be accurately prepared for the proposed use. The site plan or land development plan shall show the location and the dimensions of the Correctional Facility or Group Institution, off-street parking areas, private entrances, walkways, fencing and landscaping.
- (2) No Correctional Facility or Group Institution shall be located within one (1) mile of an existing Correctional Facility, Group Institution, institutional use, or state-licensed day-care center, nor shall an Applicant be permitted to apply for special exception relief for a Correctional Facility or Group Institution within one (1) mile of another Correctional Facility or Group Institution, be it existing or proposed. Another use or facility shall be deemed “existing:” if such uses or facilities are/were in existence or operation at the time of the special exception application; if such uses or facilities have been granted special exception or other zoning approval at the time of the special exception application; if such uses or facilities have obtained preliminary subdivision or land development approval at any time prior to the Zoning Hearing Board’s decision on the special exception application; or if such uses or facilities have obtained a zoning permit or building permit from the Township at the time of landowner’s special exception application. In instances where an Applicant has filed a special exception application for a Correctional Facility or Group institution at a time when a application is pending for another Correctional Facility or Group Institution within one (1) mile of the proposed Correctional Facility or Group Institution, then the filing date and time for the applications shall control and the earlier-filed application shall be considered “existing” for purposes of this Section. The one (1) mile separation shall be measured: 1) from the property line of the property upon which the Correctional Facility or Group Institution is proposed and the property line of the property on which any of the aforementioned use(s) and/or application are located; or 2) between the proposed Correctional Facility or Group Institution and the nearest building or structure in which such aforementioned

use(s) and/or application exist; whichever is applicable and/or whichever results in the greater separation distance.

- (3) No Correctional Facility or Group Institution shall be constructed within 250 feet of a residence or residentially zoned property, nor within 1,000 feet of a school, church, playground, park (inclusive of the portion of the property at tax parcel number 43-5344-05-09-4012 on which the Ida B. Mascaro Park has been planned), camp, community center, child care facility or other area where minor children assemble or congregate. This setback shall be measured, on the one hand, from the location of the building, structure, or other component of a correctional Facility or Group Institution that will house persons, or any administrative offices thereof, and, on the other hand, the property line of the property on which is situated the aforementioned uses (i.e., the property lines of the residence, residentially zoned property, school, church, playground, park, camp, community center, child care facility or other area where minor children assemble or congregate).
- (4) All Correctional Facility or Group Institution buildings, structures, or other component thereof shall be set back from the property line of the property a minimum of fifty (50) feet.
- (5) One off-street parking space shall be provided per employee, computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one space for every 2.5 persons residing within the Correctional Facility or Group Institution.
- (6) the Zoning Hearing Board shall attach to any approval conditions ensuring appropriate security measures, including, but not limited to, fencing or other barriers, cameras, lighting, guards, sign-in and sign-out sheets, curfews for residents, patrolling of the property, the use of guard dogs, sirens and direct alarms with the Police Department.
- (7) The applicant shall provide notice of any incidents at the Correctional Facility involving escapes, attempted escapes, physical altercations resulting in hospitalization, or improper releases of inmates or juvenile residents, to all Township residents and landowners seeking to receive the same, such as through AlertPA or a similar, Township approved, notification system. Such notices shall be issued within twenty-four (24) hours of the Correctional Facility becoming aware of the same.
- (8) The design, construction and operations of the Correctional Facility shall be supported by expert study as to every aspect of the facility. The implementation of the conclusions of those studies shall be subject to the review and approval of the Township through the special exception process.
- (9) The applicant shall provide documentation to the Township Code Enforcement Officer, Sewage Enforcement Officer and Zoning Officer that the Correctional Facility or Group Institution complies with all sewer, water, building, fire, plumbing, heating, electrical and similar facilities, and that the same meets the applicable standards established by the Exeter Township Code and by the Commonwealth of Pennsylvania.
- (10) The applicant shall provide documentation to the Township Code Enforcement Officer and Zoning Officer that the Correctional Facility or Group Institution has been licensed by the appropriate federal and/or Pennsylvania agencies (the Agencies) and shall meet all current regulations of the Agencies, including those

standards governing indoor space and applicable state and local building and fire safety codes. The applicant shall maintain a current and valid license from the Agencies, as applicable.

- (11) The Applicant shall provide evidence that a manager or supervisor of the agency or operator of the correctional Facility or Group Institution shall be available twenty-four (24) hours per day, seven (7) days per week. Likewise, immediate, emergency contact with the agency or operator of the Correctional Facility or Group Institution shall be available to the authorized representatives of the Township.
  - (12) The applicant shall further provide evidence to establish that its proposed Correctional Facility or Group Institution, its facilities and its operation will neither cause a threat to the public health, safety or welfare, nor constitute a threat to the safety of the nearby residents or properties. The Applicant shall, as a condition of any special exception approval for a Correctional Facility, be required to supply the Township Chief of Police, within three (3) days of the admission, transfer or release of any individual inmate into or from the Correctional Facility, with the name, physical description sentence and list of offenses for which the inmate has been convicted. This requirement shall not apply to inmates or juvenile residents adjudicated of violent offenses that are not expected to be housed within the Correctional Facility for fewer than five (5) days. With respect to Correctional Facilities that provide housing for juveniles adjudicated of violent offenses, the applicant shall provide the Township Chief of Police, within three (3) days of admission, transfer or release of any juvenile into or from such Correctional Facility, with a list of the offenses for which the juvenile has been adjudicated, noting that the aforesaid list of offenses shall not include personal or identifying information and shall comply with all applicable privacy laws. The applicant shall further be required, as a condition of any special exception approval for said use, to maintain a photograph of each current inmate or juvenile resident of a Correctional Facility, which may be supplied to the Chief of Police in the event of an emergency or other incident requiring police intervention.
  - (13) The Applicant must develop an emergency management plan subject to the annual review and approval of the Township, in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan should be submitted to the Township Police Chief, Zoning Officer, and Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit and biannually (every other year) on or before January 31 of such year.
  - (14) An applicant shall establish compliance with Exeter Township Zoning Code Section 390-96(H).
- D. As part of the special exception application, the Zoning Hearing Board may impose conditions as deemed necessary or appropriate.

**ARTICLE VII**  
**Non-Conforming Lots, Uses, Structures and Buildings**

**§ 390-72. Statement of Intent.**

- A. Within the Zoning Districts established by this Chapter or subsequent amendments thereto, there exist or will exist certain nonconformities, which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations.
- B. Nothing in this Chapter shall be deemed to require a change in the plans for any building, structure or land use for which a zoning and/or building permit was issued prior to the effective date of this Chapter or subsequent amendment thereto, provided the activity authorized by the zoning permit is begun, in the opinion of the permit officer, within six (6) months of the issuance of the permit.

**§390-73. Non-Conforming Lots of Record.**

- A. Approved subdivision plans.

(1) Any lot shown on a Preliminary or Final subdivision plan approved prior to the effective date of this Chapter or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage and open space requirements of the zoning district shall be met, further subject to Subsection B.

(2) When a subdivider has duly filed an application for approval of Preliminary or Final Subdivision Plan prior to the effective date of this Chapter, no provision in this Chapter shall be applied to affect adversely the right of the subdivider to commence and complete any aspect as established within the Pennsylvania Municipalities Planning Code, as amended.

- B. Any lot held in single and separate ownership on the effective date of this Chapter or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage and open space requirements of the district are met; provided, however, that if two (2) or more lots, combination of lots, or portions of lots with continuous frontage 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 width or area below the requirements stated in this Chapter.

**§ 390-74. Registration.**

After the enactment of this Chapter, the Zoning Officer shall assemble and maintain a listing of nonconforming uses and structures, as they are identified.

**§ 390-75. Abandonment.**

- A. A nonconforming use may not be reestablished if the use is discontinued for a continuous one (1) year period unless the owner informs the Township of his intention not to abandon the use. Notification shall be by filing a Certificate of Intention to Continue with the Township Zoning Officer as provided for in §390-93. Vacation of land or

buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

- B. If after filing a Certificate of Intention to Continue, the nonconforming use is not commenced within one (1) year from the end of the initial one (1) year period, the nonconforming use shall be considered abandoned and shall not be reestablished.

**§ 390-76. Change.**

- A. A nonconforming use may be changed to a conforming use by right. A nonconforming use, if changed to a conforming use, shall not be changed back to a nonconforming use. A nonconforming use shall not be changed to any other nonconforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, electric radiation, appearance and waste generation than the existing use on the property and shall be demonstrated to be in compliance with the Performance Standards in § 390-35. The Zoning Hearing Board may specify conditions and safeguards in connection with the granting of a Special Exception.

**§ 390-77. Expansion.**

- A. A nonconforming use, building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Chapter.
- B. Any additional structures, uses or buildings erected or established in connection with an existing nonconforming use shall meet all the Area, Yard and Height Regulations of the applicable Zoning District.
- C. A nonconforming use shall not be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board. A special exception use may be expanded without such approval.
- D. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable Area, Yard and Height Regulation imposed by this Zoning Ordinance. Projections into yards, as defined in Section 617, shall not be modified in such a way as to become part of a principal building unless they meet the setback and yard requirements of the zoning district.
- E. Future expansion of that portion of a nonconforming use carried on outside a building or structure shall be in accordance with all applicable Area, Yard and Height Regulations of this Chapter. A nonconforming use may be expanded within a building containing that nonconforming use at the effective date of this Chapter provided that the nonconforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Chapter. A nonconforming use may also be expanded into a new building or extension of an existing building containing the use.
- F. Nonconforming signs shall not be expanded.

**§ 390-78. Movement and Replacement.**

A building or structure containing a nonconforming use or a nonconforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height Regulations and General Regulations applicable to the zoning district in which it is located.

**§ 390-79. Damage or Destruction.**

- A. Any nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same nonconforming use. Any subsequent building or structure shall comply with all requirements of this Chapter. New construction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.
- B. A nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more nonconforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.
- C. Any nonconforming building or structure or building or structure containing a nonconforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

**§ 390-80. Limit on Expansion.**

Total future expansion of a nonconforming use shall not exceed fifty percent (50%) of the area occupied by the use at the time of the effective date of this Chapter (November 11, 1996). A special exception use may be expanded beyond 50%.

**§ 390-81 Non-Conforming Signs.**

- A. After the effective date of this chapter, there exist or will exist signs which do not conform to the requirements of this Chapter, which, if lawful before this Chapter became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Chapter.
- B. Non-conforming signs are subject to the following regulations:
  - (1) Non-conforming signs, once removed from their location after the effective date of this Chapter, shall be replaced only with conforming signs.
  - (2) Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Chapter.
  - (3) Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.
  - (4) Non-conforming signs may be repainted, repaired, and similarly maintained, but

no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair, or maintenance.

- (5) No non-conforming *sign* may be relocated unless to comply with all the requirements of this Chapter.
- (6) No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Chapter.
- (7) Non-conforming signs shall not be expanded.
- (8) Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be re-activated.

**ARTICLE VIII**  
**Administration and Enforcement**

**§ 390-82. Zoning Officer.**

- A. Appointment. A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. Compensation of the Zoning Officer shall be established by the Supervisors. The Zoning Officer shall not hold any elective office in the Township.
- B. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and the amendments thereto and the Zoning Officer shall have such duties and powers as are conferred on him by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:
- (1) Receive applications for zoning and/or building and sign permits and issue zoning and/or building and sign permits as set forth in this Chapter.
  - (2) Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
  - (3) Make inspections as required to fulfill the duties of the Zoning Officer. In doing so, however, he/she shall first seek the permission of the landowner or tenant, and, in the event such permission cannot be voluntarily obtained, the Zoning Officer shall have the right to take such other legal means as are authorized under the law.
  - (4) Issue permits for building, structures and land uses for which Subdivision and Land Developments approval is required only after all necessary approvals have been secured and plans recorded.
  - (5) Issue permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Township Enforcement Officer.
  - (6) Issue permits for special exception uses or for variances only after a Special Exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.
  - (7) Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
  - (8) Be responsible for keeping this Chapter and the Zoning Map up-to-date so as to include all amendments thereto.
  - (9) Issue Certificates of Use and Occupancy in accordance with the terms of this Chapter.

- (10) Register identified nonconforming structures and uses created as a result of the adoption of this Chapter and the Zoning Map, or created as a result of amendments thereto.
- (11) Submit a monthly report of his/her activities to the Township Supervisors and Township Planning Commission and attend said meetings.
- (12) Serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Chapter, or any amendment thereto, or in violation of a statement or a plan approved under this Chapter. Notice of violation shall be in writing and served personally to or sent by certified mail to the entity in violation of this Chapter. The notice shall indicate the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, building, sign and/or land involved in said violation. All enforcement notices shall be as provided in the Pennsylvania Municipalities Planning Code, as amended.

**§ 390-83. Permits.**

A. Zoning Permits

(1) Requirements.

(a) No building or structure, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered, nor shall land, buildings and structures be put to any use or have their use changed, without a permit therefore issued by the Zoning Officer. Zoning Permit is required for Timber Harvesting.

(b) No permit shall be issued unless:

[1] There is conformity with the provisions of this Chapter, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction;

[2] All fees have been paid to Exeter Township including, but not limited to, building permit fee, plumbing permit fee, sewer connection fee, sewer tapping fee, sewer collection fee, street lateral inspection fee, customers facilities fee, recreation fund fee, driveway permit fee, road occupancy permit fee, and water meter fee and

[3] All other permits and approvals have been issued including, but not limited to, zoning permit, plumbing permit, on-lot sewage disposal permit, erosion and sediment control approval, PennDOT driveway permit, PennDOT road occupancy permit, wetlands mitigation permit, stream encroachment permit and Pennsylvania Labor and Industry approval.

(c) Permits are required for permanent fences, for sheds (whether on a foundation or not) and for driveways (for new construction, widening, paving and overlaying, but not for liquid sealing.)

- (2) Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by at least the following information:
- (a) A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.
  - (b) The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures.
  - (c) A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.
  - (d) The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting.
  - (e) The location of all utility lines, the method of proposed water supply and sewage disposal and the location of any on-lot facilities.
  - (f) All streets, right-of-ways and easements on or adjacent to the lot.
  - (g) Proof of Worker's Compensation coverage, if the application is submitted by a contractor.
  - (h) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.
- (3) Approval or Disapproval. Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty-five (35) days from the filing date of the application, the Zoning Officer shall either approve or disapprove the application. If disapproved, the Zoning Officer shall explain the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval and informing the applicant of his rights to appeal.
- (4) Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for a six (6) month period. A Zoning and/or Building Permit shall expire

if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the permit.

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

B. Sign Permits

- (1) Signs exempt from permit requirement.

- (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] Signs used by churches, synagogues, governmental bodies, schools or civic organizations.

- [2] Construction signs of thirty-two (32) square feet or less

- [3] Directional/informational signs of twelve (12) square feet or less

- [4] Holiday or special events decorations

- [5] Nameplates, house numbers, address signs

- [6] Political signs

- [7] Public signs or notices, or any sign relating to an emergency

- [8] Real estate signs

- [9] Window signs

- [10] Temporary signs as permitted

- [11] Any other sign, which does not exceed twelve (12) square feet in area

- [12] Traffic control signs

- (b) The fact that a permit is not required for a sign does not exempt that sign from compliance with any of the provisions of this Chapter.

- (2) Application shall be made in writing to the Code Enforcement Officer on a form specified for such purpose and shall contain the following:

- (a) A detailed scale drawing of the sign.

- (b) A statement indicating the type of construction, the manner of installation, and the materials to be used.
- (c) A scale drawing of the lot indicating the location of the sign. All abutting street right-of-way lines shall be indicated,
- (d) A statement indicating all sources of light and methods of illumination.
- (e) A statement indicating the distance from the ground to the lowest portion of the sign and from the ground to the highest portion of the sign.
- (f) For signs, which will project from or be attached to buildings, a diagram indicating the location of the sign with the respect to the building facade to which it will be attached, including distance of projection from the building.
- (g) A statement that all the requirements of this Chapter shall be adhered to and that the sign will be erected according to the accompanying plans and specifications.
- (h) 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.

**§ 390-84. Certificate of Use and Occupancy.**

- A. Requirements. It shall be unlawful to sell, convey, lease, rent or use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer and by the Pennsylvania Department of Labor and Industry (where applicable). The Zoning Officer shall not issue a Certificate of Use and Occupancy unless the Zoning Officer has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and ordinances of the Township have been complied with.
- B. Issuance. Upon the receipt of notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he/she finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal.
- C. For uses for which performance standards are imposed by this Chapter, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the use is in compliance with the

performance standards and that the Certificate of Use and Occupancy is permanent, Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

D. Temporary Certificate of Use and Occupancy.

- (1) Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the permit shall have been completed. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.
- (2) The Zoning Officer may also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, and for the use of land for religious and other public or semi-public purposes or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary certificate shall be for the period of time to be determined by the Township Supervisors at the time of application, but in no case shall any certificate, except those for uses on construction sites, be issued for more than six (6) months.

**§ 390-85. Schedule of Fees, Charges and Expenses.**

The Township Supervisors shall establish, by resolution, a schedule of fees and charges of requests for Zoning and/or Building Permits, Certificates of Use and Occupancy, Special Exceptions, Variances, amendments to this Chapter and other matters pertaining to this Chapter. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

**§ 390-86. Amendments.**

The provisions of this Chapter and the Zoning Map may from time to time be amended, supplemented or changed by the Township Supervisors.

- A. Procedure. The following procedures shall be observed prior to making any amendment or change to this Chapter or parts thereof, including the Zoning Map:
- (1) Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing. The Planning Commission shall review each amendment against the Community Development Objectives, Land Use Plan, Circulation Plan and Community Facilities Plan comprising the Comprehensive Plan for the Township.
  - (2) All proposed amendments to this Chapter shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
  - (3) Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended. A curative amendment shall be referred to the County and the Township Planning Commission as provided in this section and notice of any hearing thereon shall be given as provided by law.

B. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with impact resulting from the proposed zoning, specifically discussing:

- (1) Agricultural Impact - The acreage and productivity rating of soils to be taken out of production or agricultural use.
- (2) Environmental Impact - The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.
- (3) Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.
- (4) Services Impact - The demand for school, police, sewer, water, sanitation and road maintenance services.

C. Public Hearing.

- (1) The Township Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. If, after any public hearing held upon an amendment or change, the proposed amendment or change is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedure established in the Pennsylvania Municipalities Planning Code, as amended.
- (2) Once a public hearing has been advertised regarding an individual property or a zoning map change, a notice shall be posted on each side of the affected property which faces a street in such a position that such notice is readily readable. The notice shall be posted at least one (1) week prior to the hearing and shall state the following:
  - (a) That an application for an amendment to this Chapter or zoning map has been requested;
  - (b) The proposed use of the property;
  - (c) The existing Zoning District and the proposed Zoning District;
  - (d) The name of the applicant and the owner of the property;
  - (e) The date, time and place of the public hearing.

**§ 390-87. Stop Order.**

A. Scope. A Stop Order may be issued in the following instances:

- (1) If activities regulated by this Chapter are undertaken without the required Zoning Permit, Building Permit, sign permit, or Certificate of Use and Occupancy being granted by the Township.
  - (2) If an activity undertaken under a Zoning Permit, Building Permit or Sign Permit deviates from the approved application either during or after completion of the work.
  - (3) If a use is conducted or a building or structure is established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations or any other requirements of this Chapter.
  - (4) If an activity permitted by Special Exception, variance or condition is not conducted in accordance with the terms of the granting of the Special Exception, variance or conditional use.
- B. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.
- C. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Township Zoning Officer may be permitted to allow for the required corrections.
- D. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Chapter and subject to the penalties provided within this Chapter.

**§ 390-88. Enforcement Notice.**

- A. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
- (1) The name of the owner of record and any other person against whom the 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 ordinance.
  - (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 thirty (30) days after notice of the determination is issued.

- (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.

**§ 390-89. Causes of Action.**

- A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.
- B. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under § 390-89.C.
- C. Enforcement Remedies.
  - (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinances have been violated.
  - (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
  - (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

**§ 390-90. Conditional Use Procedures.**

- A. Application. One (1) copy of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application in § 390-83 of this Chapter, and any other information necessary to allow the Township Supervisors to determine that all requirements of this Chapter have been met.
- B. Review.
- (1) After receiving an application, the Supervisors shall refer one (1) copy of the application to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his review. The application shall be reviewed at one (1) or more advertised meetings of the Township Supervisors with the initial hearing being commenced within sixty (60) days of receipt of the application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing. The Supervisors shall either approve or disapprove the application in writing within forty-five (45) days after the date of the final hearing.
  - (2) The granting of permission to conduct a use permitted by condition does not exempt an application from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.
- C. Standards.
- (1) Conditional uses shall meet the specific standards established for each use by this Chapter and all other applicable Zoning District requirements and General Regulations established by this Chapter. In addition, the following standards shall be met:
    - (a) The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
    - (b) Services and utilities shall be made available to adequately service the proposed use.
    - (c) The use will not generate traffic such that hazardous or unduly congested conditions will result.
    - (d) The use is appropriate to the site in question.
    - (e) The use shall not adversely affect the character of the general neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
  - (2) The applicant shall demonstrate, as a condition to approval of his application, that the standards in Subsection C and those specified elsewhere in this Chapter for the use in question would be met.
  - (3) The Township Supervisors may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

**§ 390-91. Land Development Plan Approval.**

- A. Scope. Construction of any new building, or an addition or expansion of an existing building in excess of the lesser of 2,500 s.f. or 25% of existing building size, or change in use, except one single-family detached dwelling, one single-family semi-detached dwelling, one two-family detached dwelling, agricultural buildings and other accessory buildings, shall be subject to a Land Development Plan Approval prior to the issuance of a Zoning and/or Building Permit. Any construction exempted from Land Development Plan approval shall comply with the Schuylkill River Watershed Stormwater Management Ordinance.
- B. Application Procedures. Applications shall be submitted to the Township Planning Commission for review and recommendation to the Exeter Township Board of Supervisors for approval and recording, if applicable. The following material shall be supplied as applicable:
- (1) A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, loading areas, curb cuts, other necessary construction features and the location of all topographical features;
  - (2) Complete architectural design drawings for any proposed industrial, commercial or residential multi-family building. In all residential developments, architectural design drawings of the prototype of each different residential dwelling shall be required;
  - (3) A description of any commercial or industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potential harmful or obnoxious matter or radiation. Engineering and architectural design drawings shall be provided for the handling of any of these problems.
  - (4) All necessary information to determine compliance with the requirements of this Chapter for parking and loading.
  - (5) Designation of the manner by which sanitary sewage and storm drainage shall be disposed and water supply obtained, including the proposed location of any underground pipes. Engineering and architectural design drawings shall be provided for any water plant or sewage disposal plant. Storm water runoff calculations shall accompany plans for accommodating runoff and shall demonstrate compliance with the Schuylkill River Watershed Stormwater Management Ordinance. A statement indicating all improvements to be undertaken during the first phase of construction, those which are to be completed within one (1) year from the issuance of a Plan Approval, as well as those being built at a later date. This statement shall also show a list of firms which are likely to be located within the development, their floor area and estimated number of employees.
  - (6) Other data required by this Chapter or deemed necessary by the Planning Commission because of the unusual nature of the activities.
- C. Review. The Planning Commission shall examine the materials to determine whether the proposed development conforms to this Chapter and make available its findings, including necessary modifications, which must be provided for approval to the applicant and to the Exeter Township Board of Supervisors who shall take action within ninety (90) days.

- D. Issuance. All Plan Approval reviews by the Planning Commission and Supervisors shall be forwarded to the Zoning Officer and maintained as a matter of public record. Notice of the decision shall be given to all parties in interest and any third parties requesting such notice. An approved Land Development Plan Approval shall continue in effect for six (6) months from the date it is supplied to the Zoning Officer. If no construction work is undertaken by that date, the approval shall be nullified.

**§ 390-92. Sign Permits.**

Sign permits shall be required in accordance with the §390-69 of this Chapter.

**§ 390-93. Certificate of Intention to Continue a Nonconforming Use.**

- A. Scope. A certificate of intention shall be required in all instances where a nonconforming use is discontinued if the owner or operator of such use desires to maintain such a nonconforming use.
- B. Procedure. The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.
- C. Notification. The proper adoption of this Chapter shall be considered effective notice to all owners or operators of nonconforming uses of the requirements for registration for the discontinuance of all nonconforming uses.
- D. Filing. The Zoning Officer shall maintain a separate file for all Certificates of Intention.
- E. Duration. Each Certificate of Intention shall be valid for a one (1) year period. See § 390-75 of this Chapter.

**ARTICLE IX**  
**Zoning Hearing Board**

**§ 390-94. Creation and Organization.**

- A. Creation of Board.
- (1) The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Chapter.
  - (2) The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended; the alternate members may serve as provided for in said code.
- B. Organization. The Board may promulgate such rules and forms for its procedures, not inconsistent with this chapter and other ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board shall have its own counsel, who shall, whenever possible, attend all hearings of the Board and review all decisions of the Board so they conform to the law.
- C. Meetings. Meetings and hearings of the Board shall be held at the call of the chairman, and at such other times as the Board, by majority vote, may determine.
- D. Minutes and Records. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, which records shall be the property of the municipality, copies of which shall be filed with the Secretary of the Township Planning Commission.

**§ 390-95. Hearings.**

The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended, and the following rules of the Board:

- A. Notice shall be given by the Zoning Hearing Board to the public, the applicant and adjoining property owners of the applicant property, the Zoning Officer and such other persons as the Township Supervisors shall designate by ordinance and to any other person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance, in accordance with Section 908 of the Municipalities Planning Code. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.
- B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

- C. 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, any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- H. The Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to 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.
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. 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 herein above provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later

than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§ 390-96. Functions of the Zoning Hearing Board.**

The Zoning Hearing Board shall have the following functions:

- A. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
- B. The jurisdiction of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in said code.
- C. Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.
- D. Appeals from the Zoning Officer. To hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow the procedures or has misinterpreted or misapplied any provision of this Chapter or the Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.
- E. Challenges to the Validity of Zoning Ordinance or the Zoning Map, except as indicated in the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in § 390-95. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.
- F. Unified Appeals. Where the Board has jurisdiction over matters pursuant to Subsections A, E and G, the Board may also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in § 390-95. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- G. Variances.
  - (1) The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
    - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions are not created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located; and
    - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; and

- (c) That such unnecessary hardship has not been created by the appellant; and
  - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.
- H. Special Exceptions. To issue, upon application, only such Special Exceptions which the Board by the provisions of this Chapter is specifically authorized to issue. The granting of a Special Exception when specifically authorized by the terms of this Chapter shall be subject to the following standards and criteria.
- (1) The applicant for a Special Exception shall demonstrate, as a condition of approval of his application, compliance with these criteria and those criteria specified elsewhere in this Chapter for the use in question.
    - (a) Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
    - (b) Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Chapter.
    - (c) Such use shall not adversely affect the character of the general neighborhood, or the conservation of property values, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
    - (d) Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
    - (e) Services and utilities shall be made available to adequately service the proposed use.
    - (f) The granting of the Special Exception shall be consistent with the Township Comprehensive Plan.
  - (2) 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 purpose of this Chapter and the Pennsylvania Municipalities Code, as amended.
- I. Reasonable Accommodations. To hear and decide requests for a reasonable accommodation where the applicant shows entitlement pursuant to the provisions of these ordinances and the Fair Housing Amendments Act.
- J. Requirements for a Reasonable Accommodation.

- (1) The Board may grant a reasonable accommodation, provided that all of the following findings are made, where relevant:
  - (a) An applicant for reasonable accommodation shall have the burden of establishing that:
    1. The residents or proposed residents of the premises are handicapped.
    2. The premises are to be used as a dwelling for person with handicaps.
    3. The specific accommodation to the rules and regulations of the ordinances of the Township may be necessary to afford persons with handicaps an equal opportunity to housing in the Township.
  - (b) In determining whether a requested accommodation is reasonable, the Zoning Hearing Board shall consider:
    1. Whether the requested accommodation will cause any undue fiscal or administrative burdens upon the Township; and
    2. Whether the requested accommodation would require a fundamental alteration in a legitimate rule, policy or procedure of the Township.
- (2) In granting a reasonable accommodation, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.
- (3) In all other procedural respects, a request for a reasonable accommodation shall be treated the same as a request for a special exception.

K. To exercise any other power specifically granted to the Board under the terms of this Chapter.

**§ 390-97. Procedures for Application to the Zoning Hearing Board.**

- A. The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Chapter, the use for which a Special Exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- B. Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

**§ 390-98. Expiration of Zoning Approvals.**

Unless otherwise specified by the Board, a Conditional Use, Special Exception or Variance shall expire if the applicant fails to obtain a Zoning Permit or a Building Permit, where required, within eighteen (18) months from the date of authorization of the Conditional Use, Special

Exception or Variance, except as such time period may be extended by the Board in its discretion and except as such time period is extended by operation of law.

**§ 390-99. Review of Applications for Special Exceptions and Variances by the Township Planning Commission and Township Supervisors.**

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for the opportunity to review and comment at least thirty (30) days prior to the hearing held by the Board on such application.

**ARTICLE X**  
**Enactment**

**§ 390-100. Public Utilities Corporation Exempted.**

This Chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania 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.

**§ 390-101. Severability.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**§ 390-102 Repealer**

All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.



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ZONING OFFICER	390	82
ZONING PERMIT	390	83

