

# **GREENWICH TOWNSHIP**

**BERKS COUNTY, PENNSYLVANIA**

## **ZONING ORDINANCE of 1973**

### **As Amended**

Ordinance No. 2000-2 dated November 6, 2000

Ordinance No. 2003-1 dated March 3, 2003

Ordinance No. 2003-2 dated March 3, 2003

Ordinance No. 2009-1 dated June 1, 2009

Ordinance No. 2010-1 dated February 1, 2010

Ordinance No. 2010-2 dated May 3, 2010

Ordinance No. 2012-1 dated January 3, 2012

Ordinance No. 2014-1 dated October 14, 2014

Ordinance No. 2017-1 dated June 5, 2017

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## **ARTICLE I**

### **TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

#### **Section 101. TITLE AND SHORT TITLE**

##### 101.1 Title

An ordinance amending the Greenwich Township Zoning Ordinance of 1973, as amended, establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, offstreet parking and similar accessory regulations, in the Township of Greenwich, Berks County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

##### 101.2 Short Title

This Ordinance shall be known as, and may be cited as, the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, June 1, 2009, February 1, 2010, May 3, 2010, January 3, 2012, October 14, 2014, and June 5, 2017.

#### **Section 102. PURPOSE**

The people have a right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people. PA Constitution, Article I, Section 27.

This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Greenwich Township & Lenhartsville Borough Joint Comprehensive Plan, adopted by Greenwich Township (hereinafter referred to as 'Municipality') on June 1, 2009, and is intended to promote public health, safety, morals, and the general welfare by achieving, among others, the following goals of the Township of Greenwich:

To encourage a rational land use pattern that provides for a variety of uses and ensures compatibility between uses while respecting the area's unique resources and existing land use patterns.

To provide opportunities for a variety of safe, well-maintained and affordable housing for every resident of Greenwich Township.

To conserve the overall rural and natural landscapes of the Greenwich-Lenhartsville area, protecting sensitive environmental resources.

To protect and preserve agricultural areas for agricultural use.

To preserve and enhance the physical integrity of the area's historic and cultural resources.

To continue to provide municipal-related functions at levels commensurate with the growing needs of a growing population.

To provide for the safe, efficient and convenient movement of people and goods throughout the Greenwich Township area.

To create jobs and enhance tax revenues by attracting responsible businesses to commercial and industrial areas.

To explore opportunities to cooperate with neighboring municipalities in order to more efficiently provide governmental services.

More specific statements on how these goals should be achieved are included as objectives under each of the above goals on pages 46 through 49 of the referenced Comprehensive Plan.

### **Section 103. COMMUNITY DEVELOPMENT OBJECTIVES**

These regulations were developed after giving reasonable consideration to, among other things, the character of various areas within the Township and their peculiar suitability for particular uses, and with a view toward preserving agriculture, conserving the value of property, and encouraging the most appropriate use of land throughout the Township.

The basis for this Ordinance is the Greenwich Township & Lenhartsville Borough Joint Comprehensive Plan, as adopted by the Governing Body of Greenwich Township June 1, 2009. The Comprehensive Plan enumerates, in detail, the locally desired development goals and objectives, as listed on pages 46 through 49, which this Ordinance seeks to accomplish.

## ARTICLE II

### INTERPRETATION AND APPLICATION

#### **Section 201. APPLICATION**

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

#### **Section 202. INTERPRETATION**

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

#### **Section 203. MUNICIPAL EXEMPTION**

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a municipality for the convenience or welfare of the public after review by the Governing Body.

#### **Section 204. PUBLIC UTILITIES CORPORATION EXEMPTION**

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



## ARTICLE III

### DEFINITIONS

#### Section 301. DEFINITIONS

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

##### 301.1 Tense, Gender, and Number

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

##### 301.2 General Terms

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

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

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

##### 301.4 Specific Terms

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

Accessory Building: A subordinate building, incidental to and located on, the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to and usually located on the same lot as the principal use.

Adult Bookstore: A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age eighteen (18) under State law.

Adult Live Entertainment Facility: A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater: A use involving the presentation typically to three (3) or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use: This shall include only the following: Adult Bookstore, Adult Movie Theater, or Adult Live Entertainment Facility.

Agriculture (General): The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to horticulture, forestry and animal husbandry. Section 503.1 of this Ordinance outlines the limitations for general agricultural activities and commercial business activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended) or the Nutrient Management Act (Act 6 of 1993, as amended).

Agriculture (Intensive): Specialized agricultural activities including but not limited to mushroom—production, which, due to the intensity of production or raw material storage needs, necessitates special control of operation, raw material storage and processing, and disposal of liquid/solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards and specifications under Section 503.1 of this Ordinance. Section 503.2 outlines the limitations for intensive agricultural activities and commercial business activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended) or the Nutrient Management Act (Act 6 of 1993, as amended).

Alteration: Any change or rearrangement in the structural parts or facilities of a building, including enlargement, change in height, or location thereof.

Animal Husbandry: The raising and keeping of livestock or poultry for commercial purposes. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.

Animal Unit (or Animal Equivalent Unit): One thousand (1,000) pounds of live animal weight.

Antenna: A system of electrical conductors that emit or receive radio waves.

Assisted Care Facility: A dwelling shared by not more than four (4) handicapped persons and not more than two (2) live-in staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach his or her maximum potential.

As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of, or addiction to, a controlled substance, nor shall it include any person whose residency in the facility would constitute a direct threat to the health of other individuals. The term "assisted care facility" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Auction, Personal Property or Auto: An establishment either indoors or outside which engages in the public sale of personal property, automobiles, recreational vehicles and/or boats to the highest bidder.

Basement: A story having fifty percent (50%) or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story.

Bed and Breakfast: The use and occupancy for rental of a portion of a single or two-family detached dwelling for the purpose of accommodating transient guests.

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

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

Buffer Yard: An area of land that a) separates one use from another use or feature, and b) is not proposed to be occupied by any new building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building: A structure designed, intended or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Coverage: The aggregate of the maximum horizontal cross section areas of all buildings on a lot, including cornices, eaves, gutters or chimneys, steps, one-story open porches, bay windows, breezeways and balconies.

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

Building Line or Building Setback Line: A line defining the minimum required distance between any building or structure and a street line or property line, drawn parallel to and measured perpendicular from the street line or property line.

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

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

Campground: A lot or tract of ground on which may be placed tents, camping trailers, fifth-wheel trailers, motor home, travel trailers or truck campers, which do not exceed four hundred (400) square feet of floor area where persons or families may live temporarily. For the purposes of this definition, it shall be presumed that the occupancy of any of the foregoing for any continuous period between November 1 and the following March 31 shall constitute permanent occupancy. Permanent occupancy of campgrounds is strictly prohibited.

Cellar: A space having forty-nine percent (49%) or less of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story.

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/or that a building, structure, sign, and/or land may be lawfully employed for specific uses, or both, as set forth therein.

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.

Cluster Development: See Open Space Development.

Commercial Motor Vehicle:A motor vehicle licensed by the Commonwealth in a class other than Classes 1 and M. For the purpose of this Ordinance, a recreational vehicle (see definition) shall not be considered a commercial motor vehicle.

Composting, Commercial: The conversion of organic matter that is imported to the farm where the composting takes place to produce fertilizer for commercial use or resale. The imported organic matter shall not include municipal wastes.

Composting, Non-Commercial: The conversion of organic matter generated on the same farm as the composting takes place, and includes the sale of the fertilizer produced.

Comprehensive Plan: The document entitled Greenwich Township & Lenhartsville Borough Joint Comprehensive Plan, adopted by Greenwich Township on June 1, 2009.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3 1963, or the Pennsylvania Uniform Condominium Act.

Convenience Store with Fuel: A structure that sells food products, household merchandise, and other goods commonly associated with these products and merchandise where self-service dispensing of fuel for passenger motor vehicles may be provided as an accessory retail service, excluding all tractor trailer vehicles and/ or all vehicles with a gross vehicle weight of 26,000 lbs. or greater.

Convenience Store without Fuel: A structure that sells food products, household merchandise, and other goods commonly associated with these products and merchandise.

County Planning Commission: The Berks County Planning Commission.

Curative Amendment: A zoning amendment proposed to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

Day Care Center: A facility where care is provided at any one time for seven (7) or more children under the age of twelve (12), where the child care area(s) is not being used as a family residence and where full-time adult supervision is provided.

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

Dwelling: A building arranged, intended, designed, or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house, boarding house, or tourist home.

- a) Single Family Detached Dwelling: A building arranged, designed, or intended for the occupancy exclusively by one (1) family and having no party wall with an adjacent building.
- b) Single Family Attached Dwelling: A building arranged, designed, and intended for occupancy by two (2) families living independently of each other and separated by an unpierced party wall.

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

Earthmoving Activity or Earth Disturbance: A construction or other human activity which disturbs the surface of the land, including but not limited to clearing and grubbing, grading, excavations, embankments, land development, plowing or tilling, timber harvesting activities, mineral extraction and the moving, depositing, stockpiling or storing of rock, soil or earth materials.

Electronic Notice: Notice given by a Municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Family:

- a) One (1) or more persons, related by blood, marriage, or adoption, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- b) Not more than five (5) persons not related by blood, marriage or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Farm: An area of land, all principal structures, dwellings, and all uses and structures accessory thereto, devoted to or available for agricultural use.

Farm-Related Business: Any activity that is compatible with and supplemental to farming but which is clearly incidental and secondary to the agricultural use of the property.

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

Fence: A manmade barrier placed or arranged as a line of demarcation between lots or to enclose a portion thereof. The term "fence" shall be deemed to include a wall.

Flag Lot: See Lot, Flag

Flood Fringe: The portion of the floodplain that is outside of the floodway.

Floodplain: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/ or any area subject to the unusual and rapid accumulation of surface waters from any source. It includes both the floodway and the flood fringe.

Flood, one-percent (1%) annual chance: A flood that has a one percent chance of occurring each year, although it may or may not occur in a given year or may occur several times in a given year, For the purpose of this Ordinance, the one-percent (1%) annual chance flood is the regulatory flood.

Floodproof: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary sewer facilities, structures and their contents.

Flood, Regulatory: The one-percent (1%) annual chance flood as referenced in the current Floodplain Ordinance.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

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

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

However, the "floor area" shall not include:

- a) Cellar space, except that cellar space used for retailing.

- b) Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
- c) Unenclosed terraces and breezeways, uncovered steps, or open space.

Forestry: The management and maintenance of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees which promotes the conduct of forestry as a sound and economically viable use for forested land. Forestry shall include the alteration of wooded areas or forests by logging operations, clear cutting or selective cutting, whether for commercial purposes or otherwise, or the removing of vegetation in reserved open space.

Funeral Home: A structure used for preparing the deceased for burial or cremation, displaying the deceased, conducting ceremonies before burial or cremation, and storing related supplies and vehicles. It includes the sale of funeral equipment as an accessory activity, but it does not include facilities for cremation itself.

Garage, Private: A building used solely for the storage of private vehicles. No business, occupation, or service shall be conducted in a private garage.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used primarily for the sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including body repair or painting thereof.

Governing Body: The Board of Supervisors of Greenwich Township.

Grade: The level of the ground adjacent to a building, structure or sign.

Greenway: A linear open space, especially around and adjacent to dwelling units within a cluster development, that acts as a linkage between housing areas, recreation and open space areas and facilities, community facilities, and similar uses. Greenways are also referred to as linear parks, ribbon parks, and linkages.

Grocery Store: A store with up to ten thousand (10,000) square feet of gross floor area that is used primarily for the retail sale of food products, while also providing for the retail sale of household merchandise typically used in day-to-day activities. It does not include convenience stores.

Group Home: A group of disabled persons living and cooking together in a single dwelling unit. Within a group home, the disabled individuals shall be capable of performing chores or tasks assigned which contribute to the group's ability to perform as a family. This use requires all members to contribute to the family's daily living requirements. It shall not be used only to de-institutionalize those individuals who are unaware of their surroundings, are constantly self-abusive, and/ or must be heavily medicated.

Hearing: An administrative proceeding conducted by a board pursuant to the provisions of Act 247, as amended, for such.

Height of Buildings: The vertical distance from the average grade at the front (or fronts) of the building to the roof beams of a flat roof, or to the mean height between eaves and ridge for gabled, hipped, and pitched roofs.

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

Home Occupation: A use customarily conducted entirely within a dwelling unit, incidental and secondary to the use of the dwelling unit, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate.

Home Related Business: An accessory use which:

- a) is clearly incidental to the residential use of the dwelling unit and
- b) is not carried on within a dwelling unit like a home occupation, but may be administered outside of the dwelling unit.

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

Impervious Coverage: The percentage of the total area of a lot that is covered by buildings and surfaces such as bituminous or concrete paving. Gravel or stone surfaces that are utilized for vehicular movement or parking shall be considered to be impervious for the purposes of this Ordinance.

Junk Yard: A lot, land, or structure, or parts thereof, used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including but not limited to waste paper, rags, scrap metal, or other scrap, salvage or discarded material, three (3) unlicensed motor vehicles, or machinery. The term junk yard shall not be deemed to include scrap processing operations or automobile shredding establishments.

Kennel: A commercial establishment where dogs and cats are housed, groomed, bred, boarded, trained, or sold for a fee or other compensation.

Laboratory: A structure or group of structures in which are located facilities for scientific research, investigation, testing, or experimentation, but not including the manufacturing of products for sale.

Land Development: Any of the following activities:

- a) The improvement of one or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving 1) a group of two (2) or more residential or non-residential structures, whether proposed initially or cumulatively, or a single non-residential structure on a lot or lots regardless of the number of occupants or tenure, or 2) the division or allocation of land 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 roads, common areas, leaseholds, condominiums, groups of structures, or other features.
- b) A subdivision of land.
- c) Development in accordance with the following shall be excluded from land development procedures:
  - 1) The conversion of an existing single-family detached dwelling into not more than three (3) residential units, unless such units are intended to be condominium units.
  - 2) The addition of an accessory structure, including farm structures, on a lot or lots subordinate to an existing principal structure.
  - 3) The addition or conversion of structures or rides within the confines of an amusement park. This shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Lot: A legally defined tract, parcel or plot of land, whether occupied or capable of being occupied by buildings.

Lot Area (Gross): The area of land contained within the limits of the property lines bounding that area, including the existing and future ultimate street right-of-way.

Lot Area (Net): The area of land contained within the limits of the property lines bounding that area, excluding any and all land areas as follows: Areas within existing or designated ultimate street rights-of-way; areas designated as "wetlands" or environmental constraints; areas identified as common open space; and areas within easements dedicated for municipal utilities or municipal stormwater purposes. The net lot area for all proposed lots shall be no smaller than the minimum lot size for the zoning district in which the lot is located.

Lot, Corner: A lot at the point of intersection of, and fronting on two (2) or more intersecting streets.

Lot, Flag: A lot which conforms to the dimensional requirements of this Ordinance except that frontage on and direct access to a public road is provided by a 'narrower'

access strip which is part of the lot (in fee simple) and not an easement over land which is not part of the lot.

Lot, Reverse Frontage: An interior lot having frontage on two (2) streets.

Lot Coverage: A percentage of lot area (gross) which may be covered by buildings and structures, drives, patios, and other impervious material.

Lot Depth: The average horizontal distance between the front and the rear lot lines.

Lot Line: Any lot line dividing one lot from another.

Lot Line, Rear: The lot line that is opposite to and most distant from the front lot line. For any corner lot, the landowner may, subject to the concurrence of the Zoning Officer, designate any lot line other than one (1) of the front lot lines to be the rear lot line.

Lot of Record: Land which constitutes a separate lot or parcel as recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width: The width measured at the minimum (required) building setback line, between side lot lines and parallel to the front lot line (street line). Except that the minimum street frontage (width at the street line) for lots that front on the circular turnaround of a cul-de-sac street may be reduced to not less than one-half the required lot width.

Mailed Notice: Notice given by a Municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

Manufactured (Mobile) Home: A transportable single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Manufactured (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.

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

Massage Therapist: An individual licensed by the State Board of Massage Therapy to practice massage therapy.

Massage Therapy: The application of a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body by a massage therapist, as provided by the Massage Therapy Act (Act 118 of 2009, as amended).

Membership Club: An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political, or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public. For the purposes of this Ordinance, the definition of membership club shall not include a tavern or restaurant unless a tavern or restaurant is also permitted in that District.

Mineral Extraction: A site where a mineral, stone, sand, gravel or topsoil is excavated.

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

Municipal Use: A land use owned and maintained by the Township or a municipal authority and including such uses as a library, park, playground, administrative or equipment storage building, or watershed.

Municipal Waste: Any of the following types of material:

- a) Any industrial, lunchroom or office waste, garbage, refuse or other material, including solid, semi-solid, liquid or gaseous material resulting from the operation of residential, commercial, institutional or municipal establishments and from community activities.
- b) Any residue from incineration not constituting hazardous waste as defined by the Solid Waste Management Act and the regulations promulgated thereunder.
- c) Any sludge not meeting the definition of a hazardous waste, according to the Solid Waste Management Act, from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility, as long as approved by DEP (Module One).
- d) Any residual waste provided such waste is approved by DEP (Module One).

Municipality: The Township of Greenwich, 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 no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Non-Conforming Structure or Building: A structure or part of a structure manifestly not designed to comply with the applicable provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to: non-conforming signs.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursery/Greenhouse: The raising and selling of trees (for transplanting), ornamental shrubs, flowers, or houseplants.

Office: A use that involves administrative, clerical, financial, governmental, business, professional, religious, charitable or similar operations. A space in which office use is conducted, but not including the sales of products or goods.

Office Building, Medical: A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

Office Building, Professional: A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, massage therapist, minister, notary, optometrist, physician, realtor or undertaker.

Official Zoning Map: The Greenwich Township Zoning Map.

Open Space: The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas, but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

Open Space Development: An alternative development method involving only single family dwellings on individual lots arranged in a closely related group, reducing lot sizes for the purpose of preserving land for agricultural use or open space, and permitting innovative site design. There is no net increase in density and all land gained from reduced lot sizes is assigned to common open space or

preserved for agricultural use. Open space developments will require that the developer provide central sewage disposal through extensions of public collection systems or the construction of community systems.

Open Space, Common: 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 or areas set aside for public facilities shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines in the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open space.

Orchard: The raising and keeping of tree crops for any commercial purpose.

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

Parking Space: An offstreet space measuring ten feet (10') by twenty feet (20'), exclusive of driveways, passageways, and maneuvering space.

Permit: A document issued by the appropriate Township authority authorizing the applicant to undertake certain activities.

- a) Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.
- b) Building Permit: A permit indicating that proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Township which authorizes an applicant to commence with said construction, alteration, or reconstruction.
- c) Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land, indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.
- d) Driveway Permit: A permit indicating that the proposed construction, alterations or reconstruction of a driveway is in accordance with the construction provisions of this Ordinance or Resolutions which may be adopted by the Township, which authorize an applicant to commence with said construction, alterations or reconstruction.

- e) Temporary Use Permit: A permit that limits the amount of time a use may be engaged in on a lot or within a building or structure. This permit is generally issued for uses which are for a short duration of time and are necessary for reasons of public health, safety and/or welfare.
- f) Sign Permit: A permit indicating that proposed construction, alteration or reconstruction of a sign is in accordance with the Zoning Ordinance which authorizes an applicant to commence with said construction, alteration or reconstruction.

Personal/Small Business Service: An establishment that provides a service oriented to personal or small business needs which do not involve primarily retail sales of goods or professional advisory services. These services include barber and beauty shops, shoe repair shops, household appliance/computer repair shops, locksmiths, copy/printing stores, mailing/ packaging stores, and other similar establishments.

Planning Commission: The Greenwich Township Planning Commission.

Principal Building: A building in which is conducted the principal use of the lot on which it is situated.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first (1st) publication shall not be more than thirty (30) days from the date of the hearing and the second (2nd) publication shall be not less than seven (7) days from the date of the hearing.

Public Road: A public thoroughfare, including a street, road, lane, alley, or court, which has been dedicated or deeded to the Township and accepted by it and which affords the principal means of access to the abutting properties.

Recreation - Three (3) types of recreation are classified in the Ordinance:

- a) Nonpublic Indoor Recreation: This includes recreation uses that do not meet the definition of public recreation and that are primarily within a building. This includes uses owned by commercial ventures or by nonprofit organizations. This includes indoor miniature golf, membership clubs, tennis clubs, racquetball clubs, exercise clubs and closely similar uses. See also definition of "membership club."

- b) Nonpublic Outdoor Recreation: This includes recreation uses that do not meet the definition of public recreation and that are primarily conducted outside of a building. This includes uses owned by commercial ventures or by nonprofit organizations. This includes golf courses, chip and putt courses, picnic groves, camps, campgrounds, and swim clubs. This definition specifically does not include motor vehicle race tracks.
- c) Public Recreation: This includes indoor and outdoor active or passive recreation facilities that are owned by a Federal, State, County, or Township agency for recreation purposes. A fee may be charged for admittance and such facilities may be operated by a private contractor. This shall include publicly-owned parks, golf courses, playgrounds, and swimming pools.

Restaurants - Four (4) types of restaurants are classified for this Ordinance:

- a) Restaurant, Fast Food: An establishment that principally sells food, frozen desserts, and nonalcoholic beverages in a ready-to-consume state, primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside or outdoor walkup window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a standard restaurant.
- b) Restaurant, Standard: A restaurant that does not meet the definition of a fast food restaurant or food stand. This includes restaurants where the majority of the food is consumed within the restaurant at tables.
- c) Fast Food Restaurant with Drive-in Service: A fast food restaurant as defined above that also provides service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked vehicles.
- d) Food Stand: A fast food restaurant as defined above, but with no inside seating facilities. This shall include a snack bar or ice cream stand.

Retail Store: A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Riding Stable: The commercial boarding or renting of horses.

Right-of-Way: Land reserved for the public or others for use as a street or other purpose.

Right-of-Way, Ultimate: Land reserved for the public or others for use as a street or other purpose. The ultimate right-of-way line is usually wider than the Official Legal Existing Right-of-Way that is currently owned by the Township or PennDOT.

Right-of-Way Line: The line that separates the street right-of-way from the lot. In cases where an area has been required to be reserved for future dedication as an ultimate right-of-way, this ultimate right-of-way shall be used as the basis for all building setbacks.

Row House: See Townhouse.

Screen: A fence or natural obstruction of sufficient height (but not less than six feet (6') high) to effectively visually obscure the area being screened from adjoining areas.

Seasonal Roadside Market: An accessory use for the sale of dairy, farm, greenhouse, or nursery products.

Self-Storage Development: A building or group of buildings divided into individual access units which are rented or leased for the storage of personal property. May also include outdoor storage of vehicles such as automobiles, boats, trailers and motor homes.

Semi-Detached Building: See Building, Semi-Detached.

Sewage Disposal System: A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Township.

- a) Centralized, Common or Public Sewage Disposal System: A sewage disposal system which collects, treats, and disposes of sewage from more than one dwelling, principal use, or lot.
- b) On-Lot Sewage Disposal System: A sewage disposal system which collects, treats, and disposes of, or holds, sewage for only one dwelling, principal use, or lot.

Shopping Center: A group of stores, four (4) or more in number, planned and designed as an integrated unit with offstreet parking provided on the property as an integral part of the unit. Shopping center shall also mean a single store or a group of stores less than four (4) in number where the total gross floor area of the store or stores exceeds 50,000 square feet.

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 or

advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional sign.

Sign, Advertising: A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

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

Sign, Directional: A "sign" containing only the commercial, industrial, private recreational, religious or other similar use name and an arrow or other directional symbol indicating the route to the business which is located elsewhere than upon the premises where the sign is displayed.

Solid Waste:

- a) Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household or commercial activities.
- b) For the purposes of this Ordinance, the following materials shall not be considered to be solid waste:
  - 1) Portions of trees or shrubs, leaves, mulch and rocks,
  - 2) Substances legally disposed of into the air or water through Federal or State pollution discharge permits,
  - 3) Customary residual wastes from a permitted mineral extraction use, or
  - 4) Materials of a character such as paper, plastic, aluminum, and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility:

- a) Land or structures where solid waste is processed, incinerated, or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to installation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.

- b) The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junk yard, recycling collection center, leaf composting, clean fill of septage or sludge application.

Solid Waste-to-Energy Facility: A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge, or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

Solid Waste Transfer Facility: A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

Special Exception: A use permitted in a particular district by the Zoning Hearing Board, to occupy or use land and/or a building or structure erected thereon for a specific purpose not permitted by right, but permitted in accordance with established conditions.

Stable, Boarding: A structure used for the shelter or care of horses owned by other than residents of the property on which located, and shall include riding academies and riding instruction facilities.

Storage Building: A structure, larger than one hundred fifty (150) square feet in area, freestanding, may or may not be movable and serving for private storage.

Storage Shed: A small structure, less than one hundred fifty (150) square feet in area and ten feet (10') in height, freestanding, may or may not be movable and serving for private storage.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. Each level of a split level building shall be considered a half story.

Story, Half: Any space within the roof framing where seventy-five percent (75%) or less of such space has structural headroom of seven feet six inches (7'-6") or more. Any space where more than seventy-five percent (75%) of its area has such headroom shall be deemed a full story.

Street: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation and as a means of access to abutting properties.

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

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground.

Swimming Pool: A body of water or receptacle for water having a depth at any point greater than twenty-four inches (24") (per the Uniform Construction Code) which is primarily used for swimming or bathing.

Tower: The structure on which transmitting and/ or receiving antennae are located. An AM radio is its own transmitting antenna.

Townhouse: A multi-family dwelling consisting of not more than eight (8) attached single family dwelling units separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside, parking and services in the front, and a semi-private rear yard area.

Township: The Township of Greenwich, Berks County, Pennsylvania.

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

Use: Any purpose for which land, structures, or buildings may be designed, arranged, intended, occupied or maintained; or any activity, occupation, or operation carried on in a building, or structure, or on land.

Use, Conditional: A specified use permitted within a zoning district that complies with all conditions and standards for its location and/or operation. A conditional use is granted by the Board of Supervisors.

Use, Permitted: Any use allowed within a zoning district and subject to the specified, applicable restrictions.

Use, Principal: 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 Zoning Ordinance.

Use, Special Exception: A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.

Variance: An adjustment in the terms of this Ordinance, granted by the Zoning Hearing Board, where literal enforcement would result in unnecessary hardship as a result of peculiar or unique conditions, or circumstances pertaining only to the lot in question, and when granting of the relief would not be contrary to the public interest.

Vehicle Repair Facility: Buildings and land where major vehicular or boat repairs are conducted and gasoline and other automobile parts and supplies may be sold at retail. Outside storage of inoperable or unlicensed vehicles is limited to a maximum seven (7)-day period of time for each such vehicle.

Vehicle Service Facility: Buildings and land areas where gasoline, oil, grease, batteries, tires or automotive accessories and parts are supplied and dispensed at retail and where minor auto repairs (not involving dismantling and/or reconstructing) and services are conducted. Outside storage of inoperable or unlicensed vehicles is limited to a maximum seven (7)-day period of time for each such vehicle. Vehicle service facility may also include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of Section 601 are complied with.

Warehouse and Wholesale Trade: A building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials.

Wildlife Sanctuary: Includes nature center, outdoor education laboratory, woodland preserve or arboretum.

Yard, Front: An unoccupied space, open to the sky, between the street right-of-way and the building setback line extending for the full width of the lot.

Yard, Rear: An unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto extending for the full width of the lot.

Yard, Side: An unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto extending the full depth of the lot.

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

Zoning Ordinance: The Greenwich Township Zoning Ordinance of 1973, as amended.



## ARTICLE IV

### DISTRICT REGULATIONS

#### Section 401. AP AGRICULTURAL PRESERVATION DISTRICT

401.1 Agriculture in Greenwich Township and Berks County is a special, non-replaceable resource that needs to be preserved for the benefit of the county and this Township. This is true because:

- A. Agriculture is a unique, land-based industry and because of its nature requires large land areas for plant and animal production and other land use activities.
- B. The agricultural areas of Greenwich Township are valuable for the health, safety and general welfare of its inhabitants.
- C. The soils and climate of Greenwich Township enable its farmers to produce valuable agricultural products for the benefit of Berks County and the general public.
- D. The farmland of Greenwich Township has cultural value to its own citizens and to the residents of Berks County in general.
- E. The aesthetic value of the farmland of Greenwich Township is of special significance.
- F. The Commonwealth of Pennsylvania has, by provisions in the Pennsylvania Municipalities Planning Code, special tax assessments, and publications of various departments, shown an interest in preserving agricultural land.
- G. The present character of the agricultural land is such that it is a valuable national economic resource, necessary of preservation.
- H. The agricultural areas of Greenwich Township and Berks County are an integral part of the culture which has attracted people and industry to the County and are thus a part of the agricultural lifestyle of the County.

401.2 In the interest of public health, safety and welfare, the AP Agricultural Preservation District is further designed and intended to accomplish the following:

- A. To promote the agriculture industry, which is the number one industry in Greenwich Township and Berks County.
- B. Protect and stabilize agriculture in areas of productive soils as an ongoing, viable, major component of the economy of the Township and Berks County.
- C. Permit only those land uses and activities which are agricultural in nature or are compatible with agricultural activities.
- D. Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for building purposes.
- E. Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses. For the farmer, such mixing would cause increased traffic on the narrow roads used to move farm machinery and livestock; additional litter, which is a nuisance to crop farming and a danger to livestock; possible damage and loss of crops and livestock from theft, mischief, or trespass; and complaints about odors, noise, dust, barbed wire or electric fences, night operations, and other items which are a normal part of farming. For the residential occupant there are the nuisances and health and safety hazards alluded to above.

401.3 Future population and housing demand projections for Greenwich Township and Berks County have been analyzed and future population growth and housing needs can be accommodated in other zoning districts, given their size and permitted densities.

401.4 All lands within the Agricultural Preservation District in the Township of Greenwich are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience or discomfort arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences or discomfort from normal agricultural operation, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations.

401.5 This Article is enacted under the powers granted to local municipalities by the Commonwealth of Pennsylvania under and pursuant to the permissible ordinance provisions outlined in the Municipalities Planning Code. Section 603(5) of the Pennsylvania Municipalities Planning Code states that one of the permissible zoning ordinance provisions is: "Provisions for the protection and preservation of natural resources and agricultural land and activities". This Ordinance is also designed to carry out and to further the objectives of Section 604(3) of the Pennsylvania Municipalities Planning Code, which provides that the provisions of the zoning ordinances shall be designed "to preserve prime agriculture and farm land considering topography, soil type and classification, and present use".

#### 401.6 Permitted Uses

- A. General agricultural uses, subject to Section 503.1 of this Ordinance, including but not limited to horticulture, graniculture, animal husbandry, orchards, tree farms, greenhouses, nurseries and forestry.
- B. Intensive agricultural uses, subject to Section 503.2 of this Ordinance.
- C. Single family detached dwellings, subject to Section 401.10.B of this Ordinance.
- D. Facilities or structures owned or operated by the Township, a duly created Authority of the Township, or the county, state or federal government for the benefit of the general public.
- E. Woodland or game preserve, wildlife sanctuary or other conservation purposes.
- F. Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas.
- G. Mushroom farming up to a maximum production area of one hundred thousand (100,000) square feet subject to Section 503.2K.
- H. Non-commercial composting.

#### 401.7 Uses Permitted by Special Exception

- A. Churches and similar places of worship, including parish houses, convents and other housing for the personnel of such establishments.
- B. Cemeteries and necessary incidental structures.
- C. Public, parochial and private schools which do not provide corrective or rehabilitative care or instruction. Penal institutions are specifically prohibited.
- D. Lodges and clubs for hunting, fishing, gunning and other similar recreational sports.
- E. Public and private outdoor recreation areas and facilities, such as parks, playgrounds, picnic grounds, swimming clubs, camps, golf courses (including miniature golf courses and par-3 courses), driving ranges, country clubs and regulated shooting grounds. Amusement parks and racetracks are specifically excluded from this district.
- F. Mineral extraction, pursuant to Section 503.21.
- G. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

#### 401.8 Uses Permitted by Conditional Use

- A. Kennel in accordance with Section 503.19.
- B. Communications tower or antenna in accordance with Section 503.12.
- C. Rooms for boarders or tourists with owner in residence on property.
- D. Intensive Agricultural proposals for activities that would exceed the standards and provisions specified under Section 503.2, including but not limited to mushroom production areas in excess of one hundred thousand (100,000) square feet and animal densities that would exceed five (5) animal units per acre for lands of less than one hundred (100) contiguous acres, or seven (7) animal units per acre for lands of one hundred (100) or greater contiguous acres.

- E. Commercial composting.
- F. Temporary housing for immediate family subject to Section 503.33.

#### 401.9 Permitted Accessory Uses

- A. Processing of farm products, as further defined by Section 503.23.
- B. Any accessory use customarily carried on in conjunction with farming and rural life, or incidental to any dwelling or other main use permitted above, such as:
  - 1. Home occupation in accordance with Section 503.16.
  - 2. Erection or alteration of the usual farm buildings.
- C. Farm-related business in accordance with Section 503.13.
- D. Boarding stable in accordance with Section 503.29.
- E. Roadside stands for the sale of farm products, of which at least fifty percent (50%) shall have been grown on the premises, in accordance with Section 503.26.
- F. Private parking and garage area.
- G. Signs subject to Article VII.
- H. No-impact home-based business, subject to Section 503.31.
- I. Home Related Business, subject to Section 503.32.

#### 401.10 Area and Bulk Regulations

- A. Agricultural uses.
  - 1. Unless otherwise stated, all lot sizes specified herein are exclusive of public rights-of-way offered for dedication. Soil classes referred to under Section 401.10B.3 are those established by the U.S. Department of Agriculture as Agricultural Capability Class II and described in the Soil Survey of Berks County, published by the Natural Resource Conservation Service of the U.S. Department of Agriculture.

2. All agricultural building setbacks shall be subject to Section 503.1, General Agricultural Standards, or Section 503.2, Intensive Agricultural Standards.
3. Silos and grain bins shall be exempted from area and bulk regulations when attached to an existing structure.
4. Barn silos and grain bins shall be exempt from the maximum building height limit when attached to an existing structure. Free standing silos or grain bins shall be located such that the distance from the base of the silo or the grain bin to both the nearest property line and the nearest street right-of-way line is no less than the height of said silo or grain bin.
5. Parcels to accommodate agricultural uses shall be designed according to the following standards:

Minimum lot area .....	11 acres
Minimum lot width at street line.....	200 feet
Minimum setback from street right-of-way .....	50 feet
Minimum side yard (each) .....	50 feet
Minimum rear yard .....	50 feet
Maximum building coverage	
General agriculture.....	10%
Intensive agriculture.....	15%
Maximum lot coverage	
General agriculture.....	12%
Intensive agriculture.....	18%
Maximum building/structure height.....	35 feet or 2 ½ Stories

B. Residential Uses.

1. Number of new dwellings permitted.

In order to preserve agriculture as a viable economic activity in Greenwich Township, to preserve the agricultural environment, and to discourage the use of high-quality agricultural soils for non-farm development, residential development in this district shall be permitted in accordance with the following sliding scale rather than a conventional fixed scale:

<u>Size of Parcel*</u>	<u>No. of New Dwellings Permitted</u>
0 - 10.00 acres	1
10.01 - 30.00 acres	2
30.01 - 60.00 acres	3
60.01 - 120.00 acres	4
120.01 - 180.00 acres	5
180.01 - 240.00 acres	6
240.00 - 300.00 acres	7
Over 300.01 acres	8 plus 1 dwelling for each 50 acres over 300.01 acres

\*Gross acreage of the current parcel at the date of plan submittal.

2. Each new lot for a single-family detached dwelling shall be as follows:
  - Minimum net lot area ..... 1 acre
  - Maximum net lot area ..... 5 acres
  - Minimum lot width at building line ..... 100 feet
  - Minimum lot width at street line..... 100 feet
  - Minimum setback from street right-of-way ..... 50 feet
  - Minimum side yard (each) ..... 20 feet
  - Minimum rear yard ..... 50 feet
  - Maximum lot coverage ..... 5%
  - Maximum building coverage ..... 10%
  - Maximum building/structure height ..... 35 feet or  
2 ½ stories

In the case of a lot(s) fronting entirely on the turnaround of a cul-de-sac street or on a curved street having a centerline radius not greater than one hundred fifty feet (150'), the lot width at the street line may be reduced to seventy-five feet (75').

3. Residential lots shall be designed and arranged to minimize both the loss of prime agricultural soils and the interference with farm operations. The following criteria shall be utilized to determine compliance with this provision. These criteria are in descending order of desirability.
  - a. New residential lots shall, insofar as possible, occupy soils other than those in Capability Class II, as defined by the Soil Survey of Berks County, Pennsylvania, published by the Natural Resource Conservation Service of the U.S. Department of Agriculture.

- b. New residential lots may include soils in such Capability Class where the area(s) in question cannot feasibly be used for agricultural purposes due to characteristics of the property, such as size of tract or configuration of the lots.
  - c. Where prime agricultural soils cannot be avoided, new residential lots shall be located on the least productive land, or shall be sited to minimize interference with agricultural activity.
4. Any person claiming that the Soil Survey of Berks County is inaccurate or incorrect insofar as the mapping of soil types (and thereby the Capability Classes) is concerned may appeal such mapping to the Zoning Hearing Board.
- a. The burden of proof shall be on the appellant to the Zoning Hearing Board.
  - b. As part of the appeal process, the appellant must submit a soil analysis to the Zoning Hearing Board. Such analysis shall be prepared by a certified geologist or soil scientist and shall indicate the soil types present upon the property, based upon field investigation and testing.
  - c. As supported by the findings of the soil analysis, the Zoning Hearing Board may accept a revised soils map for the subject property or a portion thereof. If such map is accepted, the regulations of this Article shall be interpreted as applied to that map in lieu of the map found in the Soil Survey of Berks County.
5. When less than the maximum number of residential lots is proposed for subdivision from an agricultural tract, according to the table in Section 401.10.B.1. above, the applicant for subdivision shall demonstrate via preliminary plan or other means satisfactory to the Township that the remaining permitted lots can be efficiently created in a manner compatible with continued agricultural use. The applicant shall further be required to specify on his subdivision plan which lot (or lots) shall carry with it (or them) the right to erect or place any unused quota of dwelling units the tract may have.

6. Remaining Lands.

When the maximum number of residential lots has been created, as determined by Section 401.10.B.1. above, there shall be a note placed on the plan stating that all eligible lots have been accounted for by this plan. This note shall be referenced from within all lots on the plan to further clarify that there shall be no further subdivision of any of the lots or the remaining land, except for purposes of annexation to lands of others and/or for purposes of leasing for agricultural uses as defined by this Ordinance.

When less than the maximum number of residential lots permitted by the above table is proposed for creation by subdivision, the remaining number of lots shall be allocated to the remaining land if any exists. If the remaining land is further subdivided for annexation, the remaining lots shall be allocated in proportion to the division of the remaining land.

7. The number of new dwellings permitted does not change with land ownership. All subsequent owners of any portion of the original tract are bound by the acts of any previous owner.

C. All other uses.

Minimum lot area .....	3 acres
Maximum lot width at street line .....	200 feet
Minimum lot width at building line .....	200 feet
Minimum front yard.....	100 feet
Minimum side yard (each) .....	70 feet
Minimum rear yard .....	70 feet
Maximum impervious coverage .....	10%
Maximum building/structure height .....	30 feet

**Section 402. CONS CONSERVATION DISTRICT**

402.1 The intent of this section is to protect the sensitive natural features of the area, preserve the Pulpit Rock viewshed, further regulate development in areas that have severe limitations to on-site septic systems, guide growth away from areas that lack adequate infrastructure, and protect public health, safety and welfare. The maximum density of new residential

development will be limited to permitting single family detached dwellings on an average of not more than one (1) home per six (6) acres.

A. Permitted Uses

1. All types of agricultural activities, including horticulture, graniculture, animal husbandry, orchards, tree farms, greenhouses, nurseries and forestry, but excluding intensive agriculture activities.
2. Woodland or game preserve, wildlife sanctuary or other conservation purpose.
3. Single family detached dwellings.
4. Facilities or structures owned or operated by the Township, a duly created Authority of the Township, or the county, state or federal government for the benefit of the general public.
5. Bed and breakfast in accordance with Section 503.6.

B. Permitted Accessory Uses

1. Home occupation in accordance with Section 503.16.
2. Farm-related business in accordance with Section 503.13.
3. Processing of farm products, as further defined by Section 503.23.
4. Roadside stands for the sale of farm products grown on the premises, in accordance with Section 503.26.
5. Signs subject to Article VII.
6. Boarding stable in accordance with Section 503.29.
7. Uses and buildings customarily accessory to the above uses, including but not limited to private garages and parking areas.
8. No-impact home-based business, subject to Section 503.31.

C. Conditional Uses

1. Open Space Development in accordance with Section 503.10.
2. Lodges and clubs for hunting, fishing, gunning and other similar recreational purposes.
3. Temporary housing for immediate family subject to Section 503.33.

D. Uses by Special Exception

1. Public and private outdoor recreation areas and facilities (except tracks, trails or paths for motorized vehicles), parks (except amusement parks), playgrounds, picnic grounds and camps.
2. Accessory use not located on the same lot as the permitted principal use.
3. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

402.2 Area and Bulk Regulations

A. Residential Uses

Proposed subdivision for the development of single family detached dwellings on parcels as recorded on or before the effective date of this Ordinance shall be designed as follows:

1. The maximum number of residential units permitted for subdivision from the current parcel shall be determined according to the formula:

$$N = A/6$$

where "N" is the maximum number of dwelling units to be permitted, and "A" is the total area of the parcel to be subdivided, excluding public and private rights-of-way, as it existed on the date of the plan submittal. Fractional values of "N" shall be rounded down to the next lower whole number. "N" shall include all dwelling units that existed upon the parcel proposed to be subdivided on the date of the plan submittal.

- B. Each new lot for a single family detached dwelling shall be as follows:

Minimum net lot area .....	1 acre
Minimum lot width at the building line .....	150 feet
Minimum lot width at the street line.....	150 feet
Minimum front yard setback .....	50 feet
Minimum side yard (each) .....	20 feet
Minimum rear yard .....	50 feet
Maximum lot coverage .....	15%
Maximum building coverage .....	10%
Maximum building height .....	35 feet or 2 ½ stories

In the case of a lot(s) fronting entirely on the turnaround of a cul-de-sac street or on a curved street having a centerline radius of not greater than one hundred fifty feet (150'), the lot width at the street line may be reduced to seventy-five feet (75').

- C. Residential lots shall be so situated to create the least disruption to agricultural operations on the tract.
- D. Buildings and structures shall be so situated to cause the least possible impact to the viewshed of this district.
- E. When less than the maximum number of residential lots permitted by the above formula is proposed for subdivision, the applicant for subdivision shall demonstrate via preliminary plan or other means satisfactory to the Township that the remaining permitted lots can be efficiently created in a manner compatible with continued agricultural use.
- F. Remaining (residue) Lands

When the maximum number of residential lots has been created, as determined by the above formula, there shall be a note placed upon the plan stating that all eligible lots have been accounted for by this plan; there shall be no further subdivision of any of the lots or the remaining lands except for purposes of annexation to lands of other and/or for purposes of leasing for agricultural uses as defined by this Ordinance.

When less than the maximum number of residential lots permitted by the above formula is proposed for creation by subdivision, the remaining number of lots shall be allocated to

the remaining land if any exists. If the remaining land is further subdivided for annexation, the remaining lots shall be allocated in proportion to the division of the remaining land.

- G. The number of new dwellings permitted does not change with land ownership. All subsequent owners of any portion of the original tract are bound by the acts of any previous owner.

**Section 403. R RURAL DISTRICT**

403.1 The intent of this section is to regulate development in sensitive natural areas, such as those that contain or consist of steep slopes, wetlands or floodplains. By regulating development in these environmentally sensitive areas, the Township can protect water quality, reduce soil erosion and sedimentation, preserve habitat for animals, and prevent loss of life and property due to flooding. The maximum density of new residential development in this district will be limited to permitting single family detached dwellings at an average of not more than one (1) home per three (3) acres. The Township encourages creative planning and design toward compact development of smaller lots to help preserve the natural areas.

**A. Permitted Uses**

1. All types of agricultural activities, including horticulture, graniculture, animal husbandry, orchards, tree farms, commercial greenhouses, commercial nurseries, and forestry, but excluding intensive agriculture activities.
2. Woodland or game preserve, wildlife sanctuary or other conservation purpose.
3. Single family detached dwellings.
4. Facilities or structures owned or operated by the Township, a duly created Authority of the Township, or the county, state or federal government for the benefit of the general public.
5. Bed and breakfast in accordance with Section 503.6.

**B Permitted Accessory Uses**

1. Home occupation in accordance with Section 503.16.

2. Farm-related business in accordance with Section 503.13.
3. Processing of farm products, as further defined by Section 503.23.
4. Roadside stands for the sale of farm products grown on the premises, in accordance with Section 503.26.
5. Signs subject to Article VII.
6. Uses and buildings customarily accessory to the above uses, including but not limited to private garages and parking areas.
7. Boarding stables in accordance with Section 503.29.
8. No-impact home-based business, subject to Section 503.31.
9. Home Related Business, subject to Section 503.32.

C. Conditional Uses

1. Open Space Development in accordance with Section 503.10.
2. Lodges and clubs for hunting, fishing, gunning and other similar recreational purposes.
3. Golf courses or country clubs (except driving ranges and miniature golf courses) as further regulated by Section 503.14.
4. Agricultural proposals that would exceed the standards and provisions specified under Section 503.1, General Agricultural Standards, including but not limited to animal densities that would exceed two (2) animal units per acre, while not achieving five (5) animal units per acre, for lands of not less than twenty-six (26) contiguous acres.
5. Veterinary office.
6. Temporary housing for immediately family subject to Section 503.33.

D. Uses by Special Exception

1. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
2. Public schools, parochial schools or private schools which do not provide corrective or rehabilitative care or instruction.
3. Public and private outdoor recreation areas and facilities (except tracks, trails or paths for motorized vehicles), parks (except amusement parks), playgrounds, picnic grounds, swimming clubs and camps, as further regulated by Section 503.20.
4. Accessory use not located on the same lot as the permitted principal use.
5. Cemeteries and necessary incidental structures.
6. Mineral extraction, pursuant to Section 503.21.
7. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

#### 403.2 Area and Bulk Regulations

##### A. Residential Uses

Proposed subdivision for the development of single family detached dwellings on parcels as recorded on or before the effective date of this Ordinance shall be designed as follows:

1. The maximum number of residential units permitted for subdivision from the current parcel shall be determined according to the formula:

$$N = A/3$$

where "N" is the maximum number of dwelling units to be permitted, and "A" is the total area of the parcel to be subdivided, excluding public and private rights-of-way, as it existed on the date of the plan submittal. Fractional values of "N" shall be rounded down to the next lower whole number. "N" shall include all dwelling units that existed upon the parcel proposed to be subdivided on the date of the plan submittal.

2. Each new lot for a single family detached dwelling shall be as follows:

Minimum net lot area.....	1 acre
Minimum lot width at the building line.....	150 feet
Minimum lot width at the street line .....	150 feet
Minimum front yard setback .....	50 feet
Minimum side yard (each).....	20 feet
Minimum rear yard .....	50 feet
Maximum lot coverage .....	15%
Maximum building coverage .....	10%
Maximum building height .....	35 feet or 2½ stories

In the case of a lot(s) fronting entirely on the turnaround of a cul-de-sac street or on a curved street having a centerline radius of not more than one hundred fifty feet (150'), the lot width at the street line may be reduced to seventy-five feet (75').

3. When less than the maximum number of residential lots permitted by the above formula is proposed for subdivision, the applicant for subdivision shall demonstrate via preliminary plan or other means satisfactory to the Township that the remaining permitted lots can be efficiently created in a manner compatible with continued agricultural use.

4. Remaining Lands

When the maximum number of residential lots has been created, as determined by the above formula, there shall be a note placed on the plan stating that all eligible lots have been accounted for by this plan; there shall be no further subdivision of any of the lots or the remaining lands except for purposes of annexation to lands of other and/ or for purposes of leasing for agricultural uses as defined by this Ordinance.

When less than the maximum number of residential lots permitted by the above formula is proposed for creation by subdivision, the remaining number of lots shall be allocated to the remaining land if any exists. If the remaining land is further subdivided for annexation, the remaining lots shall be allocated in proportion to the division of the remaining land.

5. The number of new dwellings permitted does not change with land ownership. All subsequent owners of any portion of the original tract are bound by the acts of any previous owner.

**Section 404. LDR LOW DENSITY RESIDENTIAL DISTRICT**

404.1 The intent of this section is to provide opportunities for residential development along the established growth corridor of Greenwich Township at sufficiently low density to safely accommodate on-lot water supply and on-lot sewage disposal systems, while providing for slightly higher densities if public sewer and water are provided. The maximum density of new residential development in this district will be limited to permitting single family detached dwellings at two (2) homes per acre with central water and sewer, or one (1) home per acre with on-lot sewer and water.

A. Permitted Uses

1. Single family detached dwellings.
2. Public, parochial and private schools which do not provide corrective or rehabilitative care or instruction. Penal institutions are specifically prohibited.
3. Public parks and playgrounds.
4. Churches or similar places of worship.
5. Cemeteries and necessary incidental structures.
6. Public library, police or fire station, or other facility or structure owned or operated by the Township, a duly created Authority of the Township or the county, state or federal government for the benefit of the general public.
7. Forestry.

B. Permitted Accessory Uses

1. Home occupation in accordance with Section 503.16.
2. Signs subject to Article VII.

3. Uses and buildings customarily accessory to the above uses, including but not limited to private garages and parking areas.
4. No-impact home-based business, subject to Section 503.31.

C. Conditional Uses

1. Open Space Development in accordance with Section 503.10.
2. Processing of farm products, as further regulated by Section 503.23.
3. Farm-related business in accordance with Section 503.13.
4. Roadside stands for the sale of farm products grown on the premises, in accordance with Section 503.26.
5. Bed and breakfast in accordance with Section 503.6.
6. Temporary housing for immediate family subject to Section 503.33.

D. Uses by Special Exception

1. Hospitals, orphanages or convalescent or group homes for the care of the sick, aged or handicapped.
2. Accessory use not located on the same lot as the permitted principal use.
3. Assisted Care Facility.
4. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

404.2 Area and Bulk Regulations

- A. Each new lot for a single family detached dwelling proposing to utilize on-lot or public water supply and on-lot sewage disposal shall be as follows:

Minimum net lot area .....	1 acre
Minimum lot width at the building line .....	150 feet
Minimum lot width at the street line .....	150 feet
Minimum front yard setback.....	50 feet
Minimum side yard (each) .....	20 feet
Minimum rear yard.....	50 feet
Maximum lot coverage .....	25%
Maximum building coverage.....	20%
Maximum building height.....	35 feet or 2 ½ stories

- B. Each new lot for a single family detached dwelling proposing to utilize a central water supply and central sewage disposal shall be as follows:

Minimum net lot area	1/2 acre
Minimum lot width at the building line .....	80 feet
Minimum lot width at the street line .....	80 feet
Minimum front yard setback.....	40 feet
Minimum side yard (each) .....	15 feet
Minimum rear yard.....	40 feet
Maximum lot coverage .....	30%
Maximum building coverage.....	25%
Maximum building height.....	35 feet or 2 ½ stories

- C. When less than the maximum number of residential lots, as permitted by the above regulations, is proposed for subdivision, the applicant for subdivision shall demonstrate via preliminary plan or other means satisfactory to the Township that the remaining permitted lots can be efficiently created in a manner compatible with the surrounding uses.

**Section 405. HDR HIGH DENSITY RESIDENTIAL DISTRICT**

405.1 The intent of this district is to provide an area where a variety of residential building types may locate at varied densities, depending upon the availability of public or community sewer and water facilities. Higher residential densities are permitted in this district than in any other district.

- A. Permitted Uses

1. Apartment buildings, townhouses and condominiums in accordance with Section 503.5.

2. Single family detached dwellings.
3. Single family attached dwellings.
4. Mobile home parks providing for the use and occupancy of two (2) or more mobile homes, pursuant to Section 514, standards for Mobile Home Parks, Greenwich Township Subdivision and Land Development Ordinance, Ordinance 1996-1, as may be amended from time to time.
5. Forestry.

B. Permitted Accessory Uses

1. Each permitted accessory use shall be located on the same lot with the permitted principal use.
2. Each of the following permitted accessory uses shall comply with the minimum yard requirements of this section, except as specifically provided for in this Ordinance:
  - a. Private garage or private parking area.
  - b. Private swimming pool.
  - c. Signs subject to Article VII.
3. Any other accessory use customarily carried on in conjunction with and incidental to any dwelling or other permitted principal use in this district.
4. No-impact home-based business, subject to Section 503.31.

C. Conditional Uses

1. Home occupation in accordance with Section 503.16.
2. Accessory uses not located on the same lot as the principal use.
3. Bed and breakfast in accordance with Section 503.6.

D. Uses by Special Exception

1. Assisted Care Facility.

2. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

405.2 Area and Bulk Regulations

- A. Area, Yard and Height Regulations for Residential Uses with On-lot Sewage Disposal and Water Supply:

Minimum net lot area .....	1 acre
Minimum lot width at the building line .....	100 feet
Minimum lot width at the street line.....	100 feet
Minimum front yard setback.....	50 feet
Minimum side yard (each) .....	20 feet
Minimum rear yard .....	50 feet
Maximum lot coverage .....	25%
Maximum building coverage .....	15%
Maximum building height.....	35 feet or 3 stories

- B. Area, Yard and Height Regulations for Residential Uses with Public or Community Sewage Disposal and On-Lot Water Supply:

Minimum net lot area .....	20,000 square feet
Minimum lot width at the building line .....	75 feet
Minimum lot width at the street line.....	75 feet
Minimum front yard setback.....	30 feet
Minimum side yard (each) .....	15 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	35%
Maximum building coverage.....	25%
Maximum building height.....	35 feet or 3 stories

- C. Area, Yard and Height Regulations for Residential Uses with Public or Community Sewage Disposal and Water Supply:

Minimum net lot area .....	11,000 square feet
Minimum lot width at the building line .....	60 feet
Minimum lot width at the street line .....	60 feet
Minimum front yard setback.....	30 feet
Minimum side yard (each) .....	10 feet
Minimum rear yard .....	25 feet
Maximum lot coverage .....	50%
Maximum building coverage.....	35%
Maximum building height.....	35 feet or 3 stories

**Section 406. V VILLAGE DISTRICT**

406.1 The intent of this section is to provide a mixture of "village commercial" uses with ease of development of such uses with minimum regulation. This District shall provide for small neighborhood-oriented retail, service and office uses in combination with single family homes, twins and townhouses, encouraging traditional development styles and patterns. The maximum density in this district will be limited to four (4) dwelling units or uses per acre with central water and sewer, and to one (1) dwelling unit or use per acre with on-lot sewer and water.

A. The location of uses in 1) existing buildings or structures in the Village District, or 2) as in-fill development on existing undeveloped lots within or immediately contiguous to the historic village centers located in the Village District shall be:

1. Permitted Uses

- a. Single family detached dwellings.
- b. Single family attached dwellings.
- c. Townhouses, apartments and condominiums in accordance with Section 503.5.
- d. Crafts or artisan's studio.
- e. Office Building, Medical or Professional which is occupied by no more than two (2) "sole practitioners" or small partnership businesses.
- f. Personal/Small Business Services.
- g. Catering business.
- h. Veterinary office.
- i. Funeral Home.
- j. Retail Store less than five thousand (5,000) square feet.
- k. Forestry.

2. Permitted Accessory Uses

- a. Home occupation in accordance with Section 503.16.
  - b. Signs subject to Article VII.
  - c. Private garage or private parking area.
  - d. No-impact home-based business, subject to Section 503.31.
  - e. Any other accessory use customarily carried on in conjunction with, and incidental to, any dwelling or other permitted principal use in the district.
3. Conditional Uses
- a. Assisted care facility.
  - b. Day care center.
  - c. Retail store in excess of five thousand (5,000) square feet, but less than ten thousand (10,000) square feet.
  - d. Bed and Breakfast in accordance with Section 503.6.
  - e. Hotel/ Motel consisting of less than ten (10) units.
  - f. Financial Institution/Bank.
  - g. Laundromat, self-service.
  - h. Convenience store without the sale of gasoline.
  - i. U. S. Postal Service facility.
  - j. Temporary housing for immediate family subject to Section 503.33.
4. Special Exception Uses
- a. Beverage distributor.

- b. Tavern.
- c. Restaurant, Standard or Fast Food without Drive-In.
- d. Accessory use not located on the same lot as the permitted principal use.
- e. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.

406.2 Area and Bulk Regulations

A. Area, Yard, and Height Regulations for Residential Uses with On-Lot Sewage Disposal and Water Supply:

Minimum net lot area per dwelling unit .....	1 acre
Minimum lot width at the building line .....	100 feet
Minimum lot width at the street line.....	100 feet
Minimum front yard setback.....	50 feet
Minimum side yard (each) .....	20 feet
Minimum rear yard .....	50 feet
Maximum lot coverage .....	35%
Maximum building coverage.....	15%
Maximum building height.....	35 feet or 2 ½ stories

B. Area, Yard and Height Regulations for Residential Uses with Public or Community Sewage Disposal and On-Lot Water Supply:

Minimum net lot area per dwelling unit .....	20,000 square feet
Minimum lot width at the building line .....	75 feet
Minimum lot width at the street line.....	75 feet
Minimum front yard setback.....	30 feet
Minimum side yard (each) .....	15 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	35%
Maximum building coverage.....	25%
Maximum building height.....	35 feet or 2 ½ stories

C. Area, Yard and Height Regulations for Residential Uses with Public or Community Sewage Disposal and Water Supply:

Minimum net lot area per dwelling unit .....	11,000 square feet
Minimum lot width at the building line .....	60 feet
Minimum lot width at the street line .....	60 feet
Minimum front yard setback .....	30 feet
Minimum side yard (each) .....	10 feet
Minimum rear yard .....	25 feet
Maximum lot coverage .....	50%
Maximum building coverage .....	35%
Maximum building height .....	35 feet or 2 ½ stories

D. Area, Yard and Height Regulations for Non-Residential Uses with On-Lot Sewage Disposal and Water Supply:

Minimum net lot area per use .....	1 acre
Minimum lot width at the building line .....	125 feet
Minimum lot width at the street line.....	125 feet
Minimum front yard setback .....	40 feet
Minimum side yard (each).....	25 feet
Minimum rear yard.....	30 feet
Maximum lot coverage .....	30%
Maximum building coverage .....	15 %
Maximum building height	
Agricultural buildings .....	None
All other buildings and structures .....	35 feet or 2 ½ stories

E. Area, Yard, and Height Regulations for Non-Residential Uses with Public or Community Sewage Disposal and Water Supply:

Minimum net lot area per use .....	20,000 square feet
Minimum lot width at the building line .....	100 feet
Minimum lot width at the street line.....	100 feet
Minimum front yard setback .....	30 feet
Minimum side yard (each) .....	20 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	50%
Maximum building coverage .....	25%
Maximum building height	
Agricultural buildings .....	None
All other buildings and structures .....	35 feet or 2 ½ stories

**Section 407. C COMMERCIAL DISTRICT**

407.1 The intent of this section is to provide for a wide range of commercial uses which are based principally on automobile use and traffic and which serve area-wide demand, as well as to accommodate commercial facilities which provide goods and services to nearby residential neighborhoods.

A. Permitted Uses

1. Crafts or artisan's studio.
2. Office Building, Medical or Professional.
3. Personal/Small Business Services.
4. Catering business.
5. Veterinary office.
6. Animal hospital.
7. Financial institution.
8. Bed and breakfast, pursuant to Section 503.6.
9. Car wash, pursuant to Section 503.7.
10. Pet grooming.
11. Funeral home.
12. Membership club, pursuant to Section 503.20.
13. Motor vehicle or vehicular dwelling sales agency.
14. Municipal use.
15. Outdoor flea market, pursuant to Section 503.22.
16. Place of worship or similar religious use.
17. Recreation, nonpublic indoor, pursuant to Section 502.22.
18. Recreation, nonpublic outdoor, pursuant to Section 503.25.
19. Forestry.
20. Retail Store.
21. Day Care Center.
22. Restaurant, either Standard, Fast Food, Fast Food with Drive-In or Food Stand.
23. Shopping Center.
24. Massage Parlor.
25. Grocery Store.
26. Self-Storage Development, subject to Section 503.27.
27. Convenience Store Without Fuel Dispensing

B. Permitted Accessory Uses

1. Each permitted accessory use shall be located on the same lot as the permitted principal use.
2. Home occupation, subject to Section 503.16.
3. Home related business.

4. Each of the following permitted accessory uses shall comply with the minimum yard requirements of this Section, except as specifically provided in this Ordinance:
  - a. Cafeteria, child care center, or recreation facility for employees only.
  - b. Private garage and private parking area.
  - c. Private swimming pool, pursuant to Section 503.30.
  - d. Signs subject to Article VII.
5. Any other accessory use customarily carried on in conjunction with, and incidental to, any dwelling or other permitted principal use.
6. No-impact home-based business, subject to Section 503.31.

C. Conditional Uses

1. Vehicle Repair Facility.
2. Manufacturing, production and processing activity.
3. Research, cleaning and testing activity.
4. Towers and antennae, pursuant to Section 503.12.
5. Amusements.
6. Hotel/ Motel.
7. Temporary housing for immediate family, subject to Section 503.33.
8. Convenience Store with Fuel Dispensing.
9. Vehicle Service Facility.
10. Warehouse and Storage in an Accessory Structure.

407.2 Area and Bulk Regulations

A. Area, Yard and Height Regulations with On-Lot Sewage Disposal and Water Supply:

Minimum net lot area.....	1 acre
Minimum lot width at the building line .....	125 feet
Minimum lot width at the street line.....	125 feet
Minimum front yard setback.....	40 feet
Minimum side yard (each) .....	25 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	65%
Maximum building coverage .....	30%
Maximum building height.....	40 feet or 2 ½ stories

B. Area, Yard and Height Regulations with Public or Community Sewage Disposal and On-Lot or Public or Community Water Supply:

Minimum net lot area .....	20,000 square feet
Minimum lot width at the building line .....	100 feet
Minimum lot width at the street line .....	100 feet
Minimum front yard setback .....	30 feet
Minimum side yard (each) .....	15 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	85%
Maximum building coverage .....	50 %
Maximum building height .....	40 feet or 2 ½ stories

**Section 408. I INDUSTRIAL DISTRICT**

408.1 The intent of this section is to provide an area where a wide variety of environmentally safe industrial uses may locate.

A. Permitted uses shall include the following in addition to those permitted uses in the C - Commercial District:

1. Lumber and building materials supply establishment.
2. Laboratory.

B. Permitted Accessory Uses shall include the following in addition to those permitted accessory uses in the C - Commercial District:

1. Each permitted accessory use shall be located on the same lot as the permitted principal use.
  2. Signs subject to Article VII.
  3. Any other accessory use customarily carried on in conjunction with, and incidental to, any permitted principal use.
- C. Conditional Uses shall include the following in addition to those conditional uses provided for in the C - Commercial District:
1. Airport or airstrip, private use, pursuant to Section 503.4.
  2. Heliport, private use, pursuant to Section 503.4.
  3. Auction, Personal Property or Auto.
- D. Special Exception Uses shall include the following in addition to those special exception uses provided for in the C - Commercial District:
1. Commercial composting, pursuant to Section 503.11.
  2. Junk yard, pursuant to Section 503.17.
  3. Mineral extraction, pursuant to Section 503.21.
  4. Outdoor storage, provided that such storage is not visible from the property lines on which it is located.
  5. Adult uses, pursuant to Section 503.3.
  6. Solid waste disposal area or facility, pursuant to Section 503.28.
  7. Accessory use not located on the same lot as the permitted principal use.
  8. Any other use as determined by the Zoning Hearing Board to be of the same general character as the permitted uses.
  9. Warehouse and wholesale trade, subject to Section 503.34

408.2 Area and Bulk Regulations

A. Area, Yard and Height Regulations with On-Lot Sewage Disposal and Water Supply:

Minimum net lot area.....	1 acre
Minimum lot width at the building line .....	125 feet
Minimum lot width at the street line.....	125 feet
Minimum front yard setback.....	40 feet
Minimum side yard (each) .....	25 feet
Minimum rear yard.....	30 feet
Maximum lot coverage.....	65%
Maximum building coverage .....	30%
Maximum building height.....	40 feet or 2 ½ stories

B. Area, Yard and Height Regulations with Public or Community Sewage Disposal and On-Lot or Public or Community Water Supply:

Minimum net lot area.....	20,000 square feet
Minimum lot width at the building line .....	100 feet
Minimum lot width at the street line .....	100 feet
Minimum front yard setback .....	30 feet
Minimum side yard (each) .....	15 feet
Minimum rear yard .....	30 feet
Maximum lot coverage .....	85%
Maximum building coverage .....	50%
Maximum building height .....	40 feet or 2 ½ stories

**Section 409. PR/OS PUBLIC RECREATION/OPEN SPACE DISTRICT**

409.1 The intent of this section is to permit and encourage the retention of existing public recreation and open space areas and significant natural resources, and to ensure that the uses in this district will not have any adverse effect on the natural amenities and resources located here or on abutting areas. Additionally, it is the intent of this district to:

- A. Ensure the retention of large expanses of woodlands and forest preserves that conserve other important resources; moderate the effects of winds and storms; absorb pollutants and noise; serve as a shelter for wildlife; and provide a diverse environment for the Township.

- B. Protect and preserve areas of the Township having steep slopes from inappropriate development, excessive grading, the removal of vegetation, runoff and erosion.
- C. Maintain the water quality of streams in the Township.
- D. Preserve aquifers and maintain both the quantity and quality of groundwater.
- E. Maintain rural and scenic vistas.

409.2 The district shall include primarily those lands that are owned by the Borough of Hamburg in the western portion of the Township and those lands owned by the Pennsylvania Game Commission in the southeastern portion of the Township.

409.3 Use Regulations

Buildings may be erected, altered, or used, and land within the district may be used for any of the following purposes, but no other:

- A. Natural open space uses primarily of a passive nature and conducted out-of-doors, such as wildlife sanctuary, forest preserve, reservoir, watershed protection area, nature center, arboretum, outdoor education center, and similar uses.
- B. Game farm, fish hatchery, hunting or fishing preserve or similar use designed for the protection and propagation of wildlife.
- C. Parks and recreation areas providing facilities of a passive or non-intensive nature, including hiking, bicycling, bridle paths, picnicking, fishing areas, playing fields and similar areas.
- D. Forestry or lumbering if conducted in accordance with approved conservation practices.
- E. Single family detached dwelling, provided that it is occupied by groundskeepers, security guards, etc. for any of the above uses.
- F. No-impact home-based business, subject to Section 503.31.

409.4 Development standards

The following standards shall be met by any applicant proposing to develop within this district:

- A. Open Space Character. The buildings and/or uses shall preserve to the maximum extent possible all floodplains, stream valleys, steep slopes, wooded areas and similar environmentally sensitive areas and shall be planned to minimize the intensity of development; after development the site shall basically retain an open or rural character.
- B. Access. Public access easements, deed restrictions or other legal mechanisms to permit access to or through privately owned land for such purposes as hunting, fishing, hiking, bridle paths, or bicycling is strongly encouraged.
- C. Offstreet Parking. Adequate offstreet parking must be provided to accommodate the maximum number of persons expected to be using the facilities on a day-to-day basis. Pervious surfaces are strongly encouraged for use for parking areas and access drives in this district.
- D. Signs. No advertising signs shall be erected, altered or used in this district except for advertising the use of the property on which such advertising appears.

## ARTICLE V

### SUPPLEMENTARY REGULATIONS

#### Section 501. ADDITIONAL REGULATIONS FOR ALL DISTRICTS

##### 501.1 Visibility at Intersections

On a corner lot, nothing shall be erected (except street signs, utility poles, traffic signs, or trees whose branches are trimmed to a height of ten (10) feet), placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street centerlines at a distance from the point of intersection of the street centerlines as specified in the current Greenwich Township Subdivision and Land Development Ordinance.

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

Except as may be required by other provisions of this Ordinance, fences, walls and hedges shall be permitted in any yard; provided, however, that no fence, wall (except retaining walls) or hedge along the front edge of any front yard shall be installed within the legal right-of-way of the road. In the event that the right-of-way has been developed to its full width, any installation shall be outside of the right-of-way.

The installation of fences, walls and hedges along the front lot line shall not interfere with sight requirements for driveways or street intersections.

Trees proposed for planting along the front lot line (road right-of-way line) shall be located in accordance with the Greenwich Township Subdivision and Land Development Ordinance. Trees proposed for planting along interior lot lines (side and rear lot lines) shall be located a minimum of one-half (1/2) the projected diameter from the lot line, where the diameter refers to the maximum expected outside diameter of the green portion of the tree. Fences, walls and hedges proposed for installation along interior lot lines shall be so located that they can be maintained on both sides by the owner.

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

No more than one (1) principal structure or building shall be permitted on each lot.

### 501.4 Exception to Height Regulations

The height limitations contained herein do not apply to spires, microwave towers, cupolas, silos, antennas, water tanks, ventilators, chimneys, television or radio towers, or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

### 501.5 Buildings to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved or acknowledged by the Board of Supervisors, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, emergency services, and required offstreet parking.

### 501.6 Corner Lot Restriction

On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located. One of the remaining yards shall be designated as a rear yard. (See Lot Line, Rear definition)

### 501.7 Lots in Two Districts

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

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

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

### 501.9 Front Yard Exceptions

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

### 501.10 Projection into Required Yards

No building or structure and no part of a building or structure shall be erected within or shall project into any required yard in any Zoning District, except:

- A. A buttress, chimney, cornice, pier or pilaster may not project more than eighteen (18) inches into a required yard.
- B. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.
- C. An unenclosed porch or carport which does not extend above the level of the first floor of the building may be erected to extend into a required side or rear yard a distance of not more than the lesser of six (6) feet or one-fifth (1/5) the required depth of the yard for the Zoning District.
- D. Accessory uses — Residential
  - 1. No accessory building, structure or use shall be permitted within the required front yard.
  - 2. A terrace, patio or deck may project to within ten (10) feet of the side and/or rear property lines.
  - 3. A swimming pool may project to within fifteen (15) feet of the side and/or rear property lines.
  - 4. Any storage shed having a floor area of one hundred and fifty (150) square feet or less shall be located at least three (3) feet from side and/or rear property lines.
  - 5. Any storage building having a floor area greater than one hundred and fifty (150) square feet shall be located at least ten (10) feet from side and/or property lines.

6. A detached private garage and/or any storage building on a permanent foundation (non-movable) shall conform to the requirements for the side and/or rear yard setback for the appropriate Zoning District.

E. Accessory Uses — Commercial and Industrial

No accessory use, building or structure shall be permitted within the required front, side or rear yard.

501.11 Single-family Detached and/or Semi-detached Dwellings on Road Front Lots

Subject to the dimensional standards set forth below, no more than ten (10) lots using existing road frontage for access shall be allowed in any base site area. In order to discourage strip development along existing roads, which has been the most common approach to new housing in the Township for many years, future development will be limited to ten (10) road-front lots in any base site area, regardless of size. Road front lots may be created for either single-family detached or single-family semi-detached dwelling, in any combination, so long as the number of road-front lots for both types of dwelling does not exceed the total of ten (10). A flag lot with access to an existing road is considered a road-front lot. If a base site area is divided by conveyance of a part thereof, the Grantor may allocate the right to develop the permitted road front lots in the deed. If no such allocation is made, the Township will apportion road front lots between the tracts if, as, and when a subdivision or land development plan is submitted, in such manner as the Township deems advisable, considering the features of the particular base site area. If a landowner proposes to create more than ten (10) lots, the plan shall be presented as a cluster development or performance subdivision.

**Section 502. BUFFER YARDS**

502.1 A one hundred (100) foot deep building setback shall be provided by any new subdivision or land development proposed within the AP Agricultural Preservation District or within any zoning district that abuts the AP Agricultural Preservation District where the proposed subdivision or land development will abut the AP Agricultural Preservation District boundary line. The applicant shall submit to the Township for review and approval the design for a landscaped buffer that will adequately screen the adjacent agricultural activities from the view of the proposed subdivision or land development.

502.2 Any newly developed or expanded non-residential village, commercial or industrial use which abuts any existing residential use or residential district shall provide a buffer yard which complies with the following standards:

A. Size, Location

1. A twenty (20) foot wide buffer yard shall be required, unless otherwise indicated in this Ordinance.
2. The buffer yard shall be measured from the district boundary line or from the street right-of-way line (where a street serves as the district boundary line) or from the property line that separates the uses. Buffer yards shall not be considered to be part of an existing or future street right-of-way but shall be in addition to the right-of-way.
3. The buffer yard may include land within a required front, side, or rear yard, provided that the larger yard requirement shall apply in case of a conflict.

B. Characteristics

1. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in buffer yards except at points of ingress or egress.
2. Maintenance - In all buffer yards, all areas not covered by trees or shrubbery shall be maintained with an all-season groundcover such as grass. All grass shall be mowed regularly, with its height not to exceed six (6) inches. The buffer yard shall be kept free of debris and rubbish.

C. Planting Screening

1. Each buffer yard shall include a planting screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
2. Each planting screen shall be in accordance with the following requirements:
  - a. Plant materials shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least eight feet in height.
  - b. The planting screen shall be permanently maintained by the landowner and any plant material that does not live shall be replaced within (1) year.

- c. The planting screen shall be designed and placed so that at maturity it will not encroach on the street right-of-way line or property lines or interfere with line of sight.
3. In circumstances where it is impractical for a planting screen to meet all the requirements of this section or would create an undue hardship, the Zoning Officer may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives, and intent of the screen requirements.

### 502.3 Plans

- A. The following information shall be provided on the plans during the Subdivision/Land Development review process:
  1. The location and arrangement of each buffer yard,
  2. The placement, species, and size of all plant materials, and
  3. The placement, size, materials and type of all fences to be placed in each buffer yard.

## **Section 503. ADDITIONAL REGULATIONS FOR CERTAIN USES**

### 503.1 General Agricultural Standards

- A. Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities/uses are permitted by right in the Agricultural Preservation (AP), Conservation (Cons), Rural (R), Commercial (C), and Industrial (I) Zoning Districts, and by conditional use in the Low Density Residential (LDR) Zoning District.
- B. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals, shall be limited to a maximum of 1.0 animal unit per acre on lands where the land area is less than five (5) contiguous acres.
- C. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals, shall be limited to a maximum of 1.5 animal units per acre on lands where the land area is greater than five (5) contiguous acres but less than twenty-five (25) contiguous acres.

- D. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals, shall be limited to a maximum of 2.0 animal units per acre on lands where the land area is twenty-five (25) contiguous acres or greater.
- E. The display and sale of farm products shall be permitted in accordance with Section 503.26.
- F. Unless otherwise approved by the Greenwich Township Board of Supervisors and Planning Commission, the sale of farm products shall not be permitted if the property is part of an existing residential development consisting of five (5) or more lots with an average density exceeding one dwelling per two acres.
- G. All areas utilized for grazing purposes shall be fenced.
- H. No slaughter area or manure storage shall be closer than one hundred (100) feet to any lot line.
- I. No commercial or industrial activities, except those permitted by these regulations, shall be permitted.
- J. Not more than ten (10) percent of the area of the lot shall be occupied by buildings or structures.

#### 503.2 Intensive Agricultural Standards

- A. Unless specifically stipulated within this Zoning Ordinance, Intensive Agricultural Activities are permitted by right within the Agricultural Preservation (AP) Zoning District only and by conditional use within the Rural (R) Zoning District. Intensive Agricultural activities shall be prohibited within all other Zoning Districts.
- B. Agricultural activities that exceed the standards and provisions specified under Section 503.1 (General Agricultural Standards) shall be construed as Intensive Agriculture.
- C. All Intensive Agricultural activities shall be conducted on lands that are at least twenty-five (25) acres in size.
- D. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals, shall be limited to a maximum of 5.0 animal units per acre on lands where the land area is twenty-five (25) contiguous acres or greater.
- E. The raising and ownership of horses, cattle, pigs, hogs, sheep, goats, poultry, rabbits, or similar animals, shall be limited to a maximum of

7.0 animal units per acre on lands where the land area is one hundred (100) contiguous acres or greater.

- F. No farm or other accessory outbuilding, including slaughter areas and manure storage, shall be constructed closer than 500 feet to any lot line bordering a residential use.
- G. The display and sale of farm products shall be permitted in accordance with Section 503.26.
- H. All areas utilized for grazing purposes shall be completely fenced.
- I. Mink farms shall be construed as an Intensive Agricultural activity.
- J. 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. §§6018.101 et seq. ) 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 Section 503.2.
- K. 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.
- L. A Stormwater Management Plan shall be prepared for all proposed Intensive Agricultural uses. The Stormwater Management Plan shall be submitted to the Township for review and approval.
- M. A Soil Erosion and Sedimentation Control (E & SPC) Plan (also known as a Conservation Plan) shall be prepared for all proposed Intensive Agricultural uses. The E & SPC Plan shall be submitted to the Township and shall be reviewed and approved by the Berks County Conservation District.
- N. No discharges of liquid wastes and/or sewage shall be permitted unless the discharges are in compliance with the standards approved by the local, state, and/or federal regulatory agencies.
- O. All Intensive Agricultural uses and activities shall be approved and/or permitted by Greenwich Township, and reviewed by the Berks County Conservation District and all applicable federal and state regulatory agencies.

- P. Not more than fifteen (15) percent of the area of any lot shall be occupied by buildings or structures.

### 503.3 Adult Uses

- A. The lot or property line of such business shall not be located within five hundred (500) feet of any other district.
- B. The lot or property line of such business shall not be located within five hundred (500) feet of the lot or property line of any religious structure, school, playground or other recreation area, whether public or nonpublic, day care facility or public library.
- C. The lot or property line of such business shall not be located within one thousand (1000) feet of the lot or property line of another such business.
- D. There shall be no display of materials that are characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or exposed male or female genital areas that can be seen from the exterior of the building.
- E. Not more than one (1) such business or activity shall be permitted within any one (1) building or lot.
- F. All exterior signs shall be compatible with adjacent uses. Such signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or exposed male or female genital areas.
- G. No such business or activity may change to another type of such business or activity, except upon application to and approval by the Zoning Hearing Board of such change as a new special exception use subject to the criteria set forth herein.

### 503.4 Airport or Heliport

- A. Minimum lot area for a private airstrip shall be 25 acres.
- B. Minimum lot area for a heliport shall be 15 acres.
- C. Airplane runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
- D. The site and its design shall be approved by the PennDOT Bureau of Aviation and the Federal Aviation Administration.

- E. The proposed/expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
- F. The end of any runway shall be a minimum of 1,000 feet, and the landing pad of a heliport shall be a minimum of 300 feet, from the lot line of any existing dwelling which the applicant for the airport or heliport does not own or have an agreement of sale. Any portion of a runway or heliport shall be at least 100 feet from any other lot line.
- G. Conditions: The Board of Supervisors, with advice from the Planning Commission, may place such necessary and reasonable conditions on the use to carry out the objectives of this Ordinance. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of approach. However, such Board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

#### 503.5 Apartment Buildings, Townhouses, and Condominiums

- A. The minimum amount of land in the development shall be five (5) acres.
- B. The development shall be served by public or community sewage disposal and water supply facilities.
- C. The overall density of the development shall not exceed four (4) dwelling units per acre.
- D. Not less than twenty-five (25) percent of the total area of the development shall be set aside for permanent, non-commercial, common open space purposes, such as park, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and shall 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. For land which is not dedicated to the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

- E. The maximum building height shall be thirty-five (35) feet. No building shall contain more than three stories.

- F. No more than five percent of those areas of the tract which have a high water table (as mapped in the most recent adopted version of the Soil Survey of Berks County, by the Natural Resource Conservation Service) shall be covered by impervious surfaces.
- G. A system for pedestrian circulation shall be provided throughout the development.
- H. The number of townhouses within a continuous grouping shall not exceed eight.
- I. The maximum length of an apartment building shall be 160 feet.
- J. The minimum distance between buildings shall be forty (40) feet.
- K. No building shall be located closer than fifty (50) feet to a property line of the development.
- L. No townhouse shall be located within thirty (30) feet of any street right-of-way line.
- M. No apartment building shall be located within forty (40) feet of any street right-of-way line.
- N. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all the trash and rubbish shall be contained in air-tight, vermin-proof containers.
- O. Common parking areas shall be designed and/or located to not require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lot can back.
- P. Common parking areas and access drives shall be located a minimum of twenty-five (25) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of fifteen feet from all street rights-of-way.
- Q. Entrances to and exits from parking areas shall have a minimum width of twelve feet for each lane of traffic entering or leaving the areas.
- R. Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.

- S. Entrances to and exits from common parking areas shall be located a minimum of sixty (60) feet from the point of intersection of the nearest street curb lines.
- T. No more than twenty (20) percent of the total area of the development shall be covered by buildings.
- U. No more than thirty (30) percent of the total area of the development shall be paved.

#### 503.6 Bed and Breakfast

- A. The maximum number of rooms for rent shall not exceed four (4).
- B. Adequate sewage disposal capacity shall be provided in accordance with Pennsylvania Department of Environmental Protection regulations.
- C. Adequate parking shall be provided in accordance with Article VI of this Ordinance.
- D. No cooking facilities are permitted within the rooms for rent.
- E. The maximum number of consecutive nights a room may be rented to any individual shall be limited to seven (7).

#### 503.7 Car Wash

Car washes are subject to the following conditions:

- A. Automatic, semi-automatic, or self-service car washes shall be limited to the service of cleaning or waxing vehicles and shall be carried out only within an enclosed building.
- B. The lot shall be graded so that process water shall not run off across the lot or onto a public street.
- C. Car washes shall be required to provide a grease trap within their sewer system/hookup designed to specifications provided by the plumbing inspector.
- D. Lot area shall be sufficient to provide space for the building, required yards, drives, and storage areas.
- E. Automobile storage or waiting space shall be provided at the rate of not less than five vehicles for each bay in a self-service car wash and not less than ten vehicles for each bay or rated capacity within an automatic or semi-automatic car wash.

- F. All vehicle storage shall be designed and located so as not to intrude into any required yards. Main or accessory buildings shall not be located closer than fifty feet to any residential district boundary.
- G. All lot lines adjoining residential areas shall be screened in accordance with Section 502 of this Ordinance.
- H. Lighting provided shall not produce glare to adjoining properties.
- I. Hours of operation shall be limited so as not to inconvenience adjoining residential properties between 11:00PM and 6:00AM.

#### 503.8 Cemeteries

- A. Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.
- B. No burial plots or structures shall be located within 100-year floodplain.
- C. A planted buffer strip shall be provided when a cemetery abuts an existing residential use or a residential zoning district and shall be in accordance with landscaping requirements contained in the Township Subdivision and Land Development Ordinance.
- D. The cemetery owner or operator shall maintain a current burial plot diagram that shows the location of all plots, including those in use.
- E. A land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance, unless the Township waives the requirement for the plan.
- F. Cemeteries shall be adequately maintained, including regular mowing and cutting of grass and vegetation, to show proper respect for the dead and consideration for the living.

#### 503.9 Churches and similar places of worship

- A. A land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance, unless the Township waives the requirement for the plan.
- B. Churches and similar places of worship shall be permitted only if direct access is provided from a major roadway,

- C. Vehicular access points and driveway entrances shall be as shown on the approved land development plan.
- D. Offstreet parking and unloading facilities shall be in accordance with Article VI.
- E. Planting screens and buffers (including a visual screen for solid waste storage areas) shall be provided as specified on the approved land development plan or as otherwise required by the Township in the event the land development requirement is waived.
- F. Parking lot landscaping shall be in accordance with Section 604.
- G. Outdoor lighting shall conform to the restrictions in Section 809.

#### 503.10 Single-Family Detached Dwellings, Open Space Development

In the Conservation, Rural, and Low Density Residential Zoning Districts, single-family detached dwelling lot sizes, yard requirements, and maximum building coverage requirements may be varied, subject to the approval of the Board of Supervisors by grouping the dwellings in accordance with the following.

- A. Subject to the regulations and dimensional standards set forth below, the maximum number of new single-family detached dwellings to be permitted on any tract fifty (50) or more acres in size shall be computed by dividing the net acreage of the tract (equal to the gross tract area minus areas within existing and proposed street rights-of-way, one percent (1%) annual chance flood plains, and slopes in excess of twenty-five percent (25%)) by the maximum density permitted in the applicable zoning district.
- B. Open Space Developments shall be served by a community sewage collection, treatment and disposal system to be installed by the developer, unless a publicly owned system is available to serve the development.
- C. Lots in Open Space Developments are to be located on new streets within the development, and shall not utilize existing streets to provide direct access to lots. Streets in Open Space Developments shall be private streets; provided the Township must approve the design, construction, location and plan for maintenance and upkeep of private streets.

D. Open Space Developments are required to preserve the maximum amount of open space possible after the creation of lots. The open space will be the entire tract area, less individual lots, buildings, streets, and utility/ drainage facilities. The Open Space Development shall maintain no less than twenty percent (20%) of the tract area in open space.

E. Dimensional Standards:

Minimum Lot Area .....	12,000 square feet
Maximum Lot Area .....	18,000 square feet
Minimum Lot Width .....	80 feet
Maximum Lot Width .....	150 feet
Minimum Front Yard .....	25 feet
Minimum Rear Yard .....	25 feet
Minimum Side Yard .....	25 feet each
Maximum Building Height .....	35 feet

F. Open Space Development regulations allow for the reduction in lot area and dimensional requirements so that dwellings may be grouped in certain areas of a development while the remainder of the tract is set aside as open space. Although the intensity of development might be increased in certain areas within the tract, the maximum tract density shall not be exceeded.

G. The main benefits of Open Space Development are that certain existing undeveloped areas are set aside as open space and that the costs of road and utility installations might be reduced because of a more compact design. Open Space Development is encouraged to promote the efficient use of undeveloped land, to protect natural resources and areas subject to environmentally sensitive conditions, and to preserve open space for recreational, agricultural, and aesthetic purposes.

H. An Open Space Development shall be laid out using the best principles of site design, with particular attention to be paid to topography and natural features of the site and adjacent surrounding land uses, especially existing residential uses.

I. Where possible, all natural features should be noted, preserved, and incorporated into the overall development plan, including the landscaping plan. The finished grading of the site shall be accomplished without excessive earthmoving or destruction of natural amenities.

- J. The applicant proposing an Open Space Development shall have the burden of proving that the Open Space Development will meet all of the expressed standards set forth in this Ordinance.
- K. Any proposed Open Space Development shall be served by a properly designed, permitted and constructed community sewage system in the event a public facility is not readily available. The community system shall be owned by either the developer or a homeowner association and shall be designed in accordance with the Regulations of the Department of Environmental Protection. A community system shall not be utilized until an Installation and Maintenance Agreement, satisfactory to the Township Solicitor, has been executed by the developer. If offered by the developer after the system is operational, the Township may, at its sole option, accept an offer of dedication of the system to the Township or to a Municipal Authority created by the Township for that purpose.
- L. If proposed to be constructed in phases, no phase shall be developed at a density that is greater than that pro-rata portion of the maximum density attributable to the land included in that phase.
- M. The open space to be reserved within an Open Space Development shall be maintained as common open space for the joint benefit of all owners of lots within the development and may be held in common ownership by a homeowners' association, subject to all the provisions for homeowners' associations set forth in state regulations and statutes. Open space shall be an area within the development that is contiguous to the homes and is accessible by the residents of the development. The following regulations shall be met:
  - 1. The applicant shall provide the municipality a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
  - 2. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
  - 3. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;

4. The association shall be responsible for all maintenance and insurance of common facilities;
  5. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
  6. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than 30 days prior to such event; and
  7. The association shall have adequate staff to administer, maintain, and operate such common facilities.
- N. At least twenty-five percent (25%) of the open space shall be concentrated and usable for active recreation within the site. Such recreation areas shall serve all residents of an Open Space Development and shall be connected by greenways or similar linkages.
- O. Greenways shall be established around and adjacent to housing groupings. These greenways may include bikeways, pedestrian paths, and other forms of linkages. Greenways shall be designed to be adjacent to as many lots as possible, while connecting the active recreation areas within an Open Space Development.
- P. Open space shall be suitably improved for its intended use. However, natural features such as woodlands, steep slopes, rock outcrops, wetlands, alluvial soils, and similar features shall remain in a natural state. All such features shall be shown on the development plan and shall be preserved and incorporated into the open space.
- Q. In addition to the significant natural features, land in open space may contain historically significant structures and sites, archaeological sites, and land suitable for recreational uses.
- R. Spray irrigation community sewage disposal systems, stormwater detention basins, walkways and paths, and utility easements shall be permitted within open space, unless the same would interfere with the use of open space which has been proposed as a recreation area. Subsurface disposal of effluent from community sewage

systems will be discouraged in open space, and will be allowed only if spray irrigation disposal is not possible.

- S. Open space shall not include areas that have been designated as roads.
- T. Open space shall be configured to provide a buffer area of at least twenty-five feet (25') between residential lots that are a part of an Open Space Development and any adjacent residential use. This buffer area may be a part of the open space, but it shall not be a part of any required yard. Landscape screening may be required within this buffer in accordance with the provisions of the Township Subdivision and Land Development Ordinance.

#### 503.11 Commercial Composting

- A. All organic materials to be used in on-site composting shall be stored under a roof in a totally enclosed structure having impervious flooring with drainage and a suitable protection so as to ensure that there is no runoff from said structure onto surrounding lands.
- B. 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 ensure that there is no runoff from said structure onto surrounding lands.
- C. No structure used for commercial composting shall be located within 400 feet of any lot line.
- D. No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or storm water disposal system, holding pond, stream, or any other 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, or federal regulatory bodies and/or agencies.

#### 503.12 Communications Towers and Antennas

- A. Towers and/or antenna structures shall not be located within two hundred and fifty (250) feet, or the total height of the tower and/or antenna structure, whichever is less, from any existing residential home or any other agricultural, commercial, or industrial building or accessory building, or street.
- B. Whenever possible the applicant shall make every reasonable effort to co-locate its proposed antenna structure upon an existing

communications tower, building, public utilities transmission tower or other structure.

- C. In addition to the minimum lot size required in the permitting Zoning District, a safety easement setback shall be required providing a radius to be not less than the total height of the tower and/or antenna structure, and further providing that no future structure may be constructed within said safety easement setback, except structures associated with the use of the tower and/or antenna structure. This provision does not apply to a tower and/or antenna structure which will collapse straight down and in on itself.
- D. The maximum height of the particular structure shall not exceed two hundred and fifty (250) feet in total height above the ground.
- E. All other provisions of this Ordinance shall be complied with, including but not limited to, applicable FCC and FAA regulations.
- F. All towers and/or antenna structures shall utilize "stealth technology" to the greatest extent possible in the design of towers. Said design criteria shall include but not be limited to having the intent to camouflage or hide the tower and draw the least amount of visual attention to the tower as possible.
- G. Adequate security, approved by the Board of Supervisors, shall be posted at the time of application approval to ensure the removal and cleanup of the tower and/or antenna structures in the event they are abandoned or put out of service.

#### 503.13 Farm-Related Business

- A. A zoning permit shall be required for a farm-related business. A site plan is not required unless there would be a new building, building expansion, new driveway or new parking lot.
- B. Minimum lot area shall be ten (10) acres.
- C. A farm-related business shall be conducted primarily within a non-residential building. The total amount of floor area of all buildings used for a farm-related business shall not be greater than two thousand (2,000) square feet.
- D. No industrial operations shall occur outdoors.
- E. No more than one (1) farm-related business shall be permitted per farm.

- F. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for one (1) non-illuminated sign with a maximum area of four (4) square feet on each of two (2) sides and a maximum height of eight feet (8').
- G. Truck Traffic. The use shall not require the parking of, the storage of, or regular servicing by a tractor trailer truck, except for a single truck used by a resident of the dwelling as an over-the-road driver as a primary occupation, and except for trucks clearly servicing the agricultural use.
- H. Uses. The use shall clearly be accessory to the principal use of the lot (such as agriculture or a dwelling). Uses permitted as a farm-related business include the following and uses that the Board of Supervisors determines to be closely similar: farm equipment and auto repair, light welding, sale of seed, small engine repair, woodworking or custom cabinetmaking, custom blacksmithing, sharpening service, light processing of locally produced agricultural products, installation of automobile accessories (other than spray painting), veterinary office, indoor warehousing, and sale of manure or compost routinely produced on-site as part of a farming operation.
- I. The following uses shall not be permitted as a farm-related business: kennel, funeral home, retail sales other than types specifically stated as permitted, restaurant, or trucking company terminal.
- J. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes or in farm buildings shall be permitted. No use shall generate noise or glare in excess of what is typical from a routine farm operation.
- K. The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article VIII.
- L. Parking and Loading: The lot shall include sufficient offstreet parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit.
  - 1. If five (5) or more vehicles are expected to be parked within fifty feet (50') of an abutting dwelling, then such parking

spaces shall be screened by evergreen plants meeting the requirements of Section 502.

2. For any motor vehicle repair operation, a maximum of four (4) vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.
  3. A defined driveway shall be provided and shall be shown on the site plan. The applicant shall prove that such driveway has adequate sight distance.
  4. No motor vehicle that is not owned or leased by the operator of the use shall be on-site longer than six (6) months in such a way as to be visible from a public street or a dwelling on another lot.
  5. The applicant shall show that there is a safe location available for any needed deliveries, which shall be located off the cartway of a public street.
- M. **Building Appearance.** The exterior of a residential building or barn as viewed from a public street or dwelling on an adjacent lot shall not be changed in such a way as to decrease its residential or barn appearance, except for permitted parking spaces and the permitted sign. A farm-related business shall not have an industrial appearance as viewed from a public street or dwelling on another lot.
- N. **Hours.** A farm-related business shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 10:00 P.M. and 5:00 A.M. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
- O. **Hazardous Substances.** The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling or farm building.
- P. **Number of Employees.** A total maximum of four (4) persons who are not permanent residents of the lot may work on the premises at one time.
- Q. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photocopy of the zoning application and a statement of the date, time, and place of the meeting at which the application is intended to be reviewed by the

Board of Supervisors. Such information shall be mailed or delivered a minimum of seven (7) days before such meeting.

- R. Leasing. If a property owner resides on the lot, then that owner may lease a barn on the lot for an approved "Farm-Related Business." However, if the owner does not reside on the lot, then the barn cannot be leased separately from any dwelling on the site (except for agricultural uses or household storage).

#### 503.14 Golf Course

- A. The course shall be designed so that golf balls are unlikely to enter public streets or property that is not part of the golf course.
- B. A clubhouse, retail sales of golf supplies, and/or restaurant may be permitted as accessory uses. Any building shall be set back a minimum of 250 feet from any residential lot line.
- C. Minimum tract area shall be forty (40) acres.
- D. Any outdoor lighting shall be located and designed such that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
- E. Maximum building coverage shall be three (3) percent.
- F. Maximum lot coverage shall be ten (10) percent.
- G. Fairways and greens shall be set back a minimum of forty (40) feet from the lot line of any existing residential property.
- H. A golf course may include a driving range if the area occupied by the use is set back a minimum of 250 feet from any residential lot line.

#### 503.15 Gun Clubs

Gun clubs are permitted subject to the following conditions:

- A. No building or part thereof or any parking or loading area shall be located within one hundred (100) feet of any street right-of-way line or lot line.
- B. The sum of all areas covered by principal and accessory buildings shall not exceed twenty (20) percent of the area of the lot.

- C. That any such club is incorporated pursuant to the provision of a Membership Corporation or unincorporated association approved by the Township Supervisors, and catering exclusively to members and their guests.
- D. That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
- E. That such use shall occupy a lot having a minimum area of ten (10) acres.
- F. No gunning activities shall be permitted before 8:00 A.M. nor after 6:00 P.M. Monday through Friday and such gunning shall not begin before 9:00 A.M. nor continue after 5:00 P.M. on Saturdays or Sundays, except one (1) evening per week when gunning activities may continue until one-half hour before sunset.
- G. No targets shall be positioned in such a manner that weapons are discharged toward any Township or State road that would create a hazard.

#### 503.16 Home Occupation

In any Zoning District permitting Home Occupations, all dwelling units, except apartment buildings, condominiums and mobile home parks, may be used for the practice of a Home Occupation in accordance with the following:

- A. The principal person engaged in the home occupation must be a resident of the dwelling.
- B. The number of persons employed on the premises of the home occupation shall be limited to the resident of the dwelling unit plus a maximum of two (2) additional persons.
- C. No more than one (1) home occupation shall be permitted per dwelling unit.
- D. No storage of materials or products shall be permitted outside of the buildings.
- E. No display of products shall be visible from adjoining properties or streets.

- F. There shall be no outside advertising other than as permitted under Article VII of this Ordinance.
- G. Such home occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
- H. Usable basement area and not more than twenty-five (25) percent of any one floor of the dwelling unit may be used for the purpose of the home occupation.
- I. In addition to the offstreet parking spaces required for the residential dwelling, one (1) parking space shall be provided for each employee who is not a resident of the dwelling, and for those home occupations which serve patrons, additional offstreet parking spaces shall be provided in accordance with Article VI of this Ordinance.
- J. In no case shall a home occupation be open to the public at times earlier than 8:00 AM nor later than 8:00 PM.
- K. Adequate sewage disposal methods and capacity shall be provided in accordance with the Pennsylvania Department of Environmental Protection regulations.
- L. A Zoning Permit shall be obtained prior to commencement, expansion, or change of a home occupation in accordance with Section 1002 of this Ordinance.

#### 503.17 Junk Yards

Junk yards are subject to the following conditions:

- A. All junk yards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
- B. All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least one hundred (100) feet from the right-of-way of any public road or highway and shall be appropriately screened from public view.
- C. Burning or melting of any junk, rubbish, or refuse is prohibited.
- D. All junk shall be stored and arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than six (6) feet from the ground level.

- E. All gasoline shall be drained into containers from any junk or scrapped automobiles and removed from the premises within twelve (12) hours from the arrival of a junked automobile on the premises.
- F. No garbage or organic waste shall be permitted to be stored in any junk yard.

503.18 Keeping of Horses, Cattle, and/or Domesticated Fowl on a Residential Lot (Non-Agricultural Use Lot).

- A. Minimum Lot Area (Net)
  - 1. Three (3) acres for two (2) or fewer horses or cattle.
  - 2. Three (3) acres plus an additional one (1) acre for each horse or cattle over two (2) in number.
  - 3. Two (2) acres for the keeping of up to twenty (20) domesticated fowl.
- B. A minimum setback of seventy-five (75) feet shall be provided from side and rear lot lines and from the ultimate right-of-way at the front for all buildings or structures used for keeping horses, cattle, and/or domesticated fowl, or manure storage areas.
- C. All areas utilized for grazing purposes shall be fenced. A minimum setback of fifteen (15) feet shall be provided from the side and rear property lines and twenty-five (25) feet from the ultimate right-of-way at the front for grazing or pasture areas, however, the side and rear setbacks may be reduced to the property line if an agreement as described in Section 503.18E is executed and recorded in the Office of the Recorder of Deeds.
- D. The maximum height for buildings or structures used in the keeping of horses, cattle, and/or domesticated fowl shall not exceed forty (40) feet.
- E. A written agreement between the adjoining property owners, in a form satisfactory to the Township's Solicitor, may be executed and recorded in the Office of the Recorder of Deeds permitting the reduction of the side and/or rear setbacks for grazing or pasture areas as required in Section 503.18C above. The written agreement shall be accompanied by a plot plan indicating the grazing and/or pasture area and the agreed to side and/or rear setbacks.

### 503.19 Kennel

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

- A. All kennels shall comply with all applicable state codes and regulations.
- B. No kennel shall be located on a lot that is less than five (5) acres in size.
- C. All buildings in which animals are housed, and all runs, shall be located at least two hundred (200) feet from all lot lines or street right-of-way lines.
- D. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- E. Outdoor pens and runs may be used, provided that:
  - 1. A double row evergreen screen or other fencing that is satisfactory to the Zoning Officer, at least six (6) feet in height, provided and maintained around the outdoor pens and runs.
  - 2. No animals shall be permitted outdoors between the hours of 8:00 PM and 8:00 AM.

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

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

- A. No building or part thereof or any parking or loading area shall be located within one hundred (100) feet of any street right-of-way line or lot line.
- B. The sum of all areas covered by principal and accessory buildings shall not exceed twenty (20) percent of the area of the lot.
- C. That any such club is incorporated pursuant to the provision of a Membership Corporation or unincorporated association approved by the Township Supervisors, and catering exclusively to members and their guests.

- D. That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be in accordance with Section 809.

#### 503.21 Mineral Extraction

Sandpits, gravelpits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted subject to the following conditions:

- A. Any person who desires to operate a use described above shall submit the following to the Planning Commission and Board of Supervisors for review and approval:
  - 1. A land development plan in accordance with the provisions of the Township Subdivision and Land Development Ordinance;
  - 2. A sketch showing the landscape plan including screening provisions;
  - 3. A statement explaining the necessity for the conduct of this operation on the lot; and
  - 4. A photograph of the open area to be used.
- B. The proposed operation shall not adversely affect soil fertility, drainage, and lateral support of abutting land or other properties, nor shall it contribute to soil erosion.
- C. There shall be no operation between 7:00 PM and 7:00 AM within one thousand (1000) feet of any dwelling.
- D. A substantial fence shall be provided and approved by the Zoning Officer for any open excavation that would have a depth greater than ten (10) feet and any slope greater than thirty (30) percent. Such fence shall include gates at appropriate locations for emergency access.
- E. All operations shall be separated from any abutting residential uses by a buffer yard as described in Section 502 of this Ordinance.
- F. All operations shall be set back a minimum of fifty (50) feet from all exterior lot lines and one hundred (100) feet from an existing residential use.

- G. All operations shall be reasonably screened from view from public expressways, arterials or collector streets.
- H. Any portion of an access road that is located within one hundred (100) feet of the lot line of a residential use or primarily residential district shall be provided with a dustless surface.
- I. Access roads shall connect to collector or arterial roads while making every reasonable effort to avoid travel by heavy trucks through residential areas.
- J. Proper drainage shall be provided at all stages of operations to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- K. A site plan for rehabilitation, showing both existing contours and proposed final contours, shall be submitted for approval by the Township Engineer. After any such operations the site shall be made usable for a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. The area shall be brought to final grade by spreading a layer of earth (capable of supporting vegetation) at least two (2) feet thick, or to original thickness, whichever is less, except where lakes are created and retained.
- L. All plans shall be submitted to and approved by the Berks County Conservation District.
- M. Evidence of approval from the Pennsylvania Department of Environmental Protection shall be submitted to the Board of Supervisors for the use proposed.

#### 503.22 Outdoor Flea Market

The following regulations shall apply in any district permitting an outdoor flea market:

- A. Vendor Space

Each vendor shall be provided with a minimum area of four hundred (400) square feet to allow for the display of items for sale and to provide a parking space for the vendor's vehicle. The vendor spaces shall be arranged in such a manner to provide safe and convenient ingress and egress of the vendor's vehicle without disturbing adjacent vendors. The vendor spaces shall be improved and maintained to a mud free condition.

B. Location

The vendor spaces shall not be permitted within the building setbacks as defined for the district in which the outdoor flea market is located.

C. Stands

The stands shall be portable, shall be maintained in good condition, and shall be removed during days when items are not being offered for sale.

D. Parking

Two offstreet-parking spaces shall be provided for each vendor space and shall be in accordance with Article VI of this Ordinance.

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

503.23 Processing of Farm Products

Processing of farm products is permitted where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.

503.24 Recreation, Nonpublic Indoor

- A. Buildings shall be located a minimum of eighty (80) feet from any exterior lot line or existing street right-of-way line.
- B. The maximum total building coverage shall be twenty-five (25) percent.
- C. All such uses shall comply with all applicable government regulations, including but not limited to State fire safety regulations.

503.25 Recreation, Nonpublic Outdoor

- A. Lot area shall be a minimum of three (3) acres.
- B. All buildings shall be set back a minimum of seventy-five (75) feet from any exterior property line.

- C. Maximum building coverage shall be ten (10) percent.
- D. Maximum paved area shall be fifteen (15) percent.
- E. Minimum lot width shall be two hundred (200) feet.
- F. All other area and bulk regulations of the applicable Zoning District shall apply.
- G. A golf course may include a standard restaurant, food stand, or membership clubhouse as clearly accessory uses.
- H. For a golf course, no fairway or green shall be located closer than fifty (50) feet to the property line of an existing dwelling or to the existing right-of-way of a public Street.
- I. Any outdoor swimming pool shall be entirely enclosed by a good quality chain-link or wooden fence having a minimum height of six (6) feet.

#### 503.26 Roadside Stand

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

- A. Product Source

At least fifty (50) % of the products offered for sale shall have been grown on the property where the stand is located.

- B. Size

The area where products are displayed or sold shall not exceed eight hundred (800) square feet.

- C. Location

The stand shall be at least fifty (50) feet from an intersection, and shall be at least twenty (20) feet from the existing edge of cartway.

- D. Removal in Off Season

The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale, except as is allowed below.

E. A stand may remain in place through the year without being removed if it is located a minimum of fifty (50) feet from the existing street right-of-way line.

F. Parking

Parking for vehicles shall be provided outside of the existing street right-of-way. Parking shall be provided for a minimum of four (4) vehicles.

#### 503.27 Self-Storage Development

A. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No outdoor storage shall be within view from a public street or a dwelling.

B. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.

C. The interior traffic aisles, required offstreet parking areas, loading areas and accessways shall be kept clear of stored items.

D. Major bodywork on vehicles shall not be permitted.

E. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.

F. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening per Section 502 of this Ordinance.

G. Maximum building length shall be 250 feet.

H. Minimum separation between buildings shall be 25 feet.

#### 503.28 Solid Waste Area or Facility

A. No property shall be used as a dumpsite for solid waste without a valid Township permit and a valid PADEP permit. The Township permit can be suspended for violation of a Township or a PADEP requirement.

- B. An applicant for a solid waste facility shall reimburse the Township for all legal advertisements related to the application, plus pay a nonrefundable administrative fee of \$2,000, plus establish an escrow account of \$40,000 to be used to compensate the Township for actual and customary expenses of professional reviews (such as, but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be nonrefundable, while any funds not used for such reviews shall be returned to the applicant after the final Township approval.
- C. Site Plan. A site plan shall be submitted and shall meet the requirements of the Subdivision and Land Development Ordinance and shall include all information required by PADEP on any site plan submitted to the Commonwealth. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent properties, proposed haul and access roads, proposed staging, location of equipment and tire cleaning areas, and the location of weighing and firefighting facilities.
- D. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than 5 percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The applicant shall describe any prior experience in developing and operating other solid waste facilities.
- E. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PADEP at the same time as they are submitted to PADEP.
- F. A statement shall be submitted describing proposed uses of landfill land after landfilling operations are completed.
- G. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles weighing in excess of 20,000 pounds gross that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads, considering the existing construction of the roads.
- H. An environmental assessment shall be submitted and shall include the following:
  - 1. Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),

2. Descriptions of, and maps showing, the suitability of the proposed site for the use,
3. Applicable technical data provided in an appendix,
4. Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,
5. Impacts upon stormwater and floodwaters,
6. Visual impacts, and
7. For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.

I. Setbacks.

1. All solid waste storage, disposal and incineration shall be located a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface waterbody (including a water-filled quarry) or wetland of more than 2 acres in area.
2. All areas to be used for the storage, disposal or incineration of solid waste shall be located a minimum of 400 feet from any of the following: residential district boundary, publicly-owned park, lot line of any existing residential lot (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.
3. A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.

J. The use shall be served by a minimum of 2 access roads paved with a dust free surface, with each road having a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.

K. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by PADEP. Any material to be incinerated that requires storage for longer than 3 hours shall be stored in an enclosed structure.

- L. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any Township permit. Violations of this condition shall also be considered to be a violation of this Ordinance.
- M. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.
- N. The applicant shall prove to the satisfaction of the Board of Supervisors that the existing Township road network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Board of Supervisors may require the applicant to make specific improvements to Township roads to handle extraordinarily heavy loads.
- O. An appropriate double liner and a system to collect and treat leachate and methane shall be provided per PADEP requirements for any sanitary landfill.
- P. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off the tract.
- Q. A chainlink or other approved fence having a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep children from entering, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board of Supervisors may also require temporary litter-control fences surrounding current dumping areas. The Board of Supervisors shall require earth berms, evergreen screening and/or shade trees with a minimum effective height of 8 feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- R. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of 10 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 50 tons per day of capacity. A solid waste facility shall be limited to a maximum total capacity of 500 tons per day.

- S. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- T. At least two employees shall be present during all times of operation.
- U. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- V. The operator shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency service to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.
- W. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 8 a.m. and 7 p.m. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day, or the 4th of July.
- X. The operator shall regularly police the area of the facility and surrounding roads to collect litter that may escape from the facility or the trucks. All open-type waste trucks entering and exiting the site shall be covered.
- Y. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated at the site. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- Z. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.
- AA. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
- BB. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated at both the Township and the State level that the stricter requirement shall apply for each aspect, unless it is

determined that an individual State regulation preempts Township regulation in a particular aspect.

- CC. A tire cleaning area shall be provided at all exits from a landfill.
- DD. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put in place while a solid waste-to-energy or sanitary landfill is under way and for a minimum of 3 years after any landfill is closed. For a landfill, such testing shall include, at a minimum, groundwater monitoring wells. For an incineration use, testing shall, at a minimum, include air pollution monitoring.
- EE. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center and/or bulk recycling center are permitted in combination with any permitted solid waste disposal facility.
- FF. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall occur only within an enclosed building, and over an impervious surface that drains to a holding tank whose contents will then be adequately treated.
- GG. For each acre upon which active landfill operations begin, a \$10,000 bond, payable to the Township of Greenwich, shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Township Solicitor. Such bond shall be in effect for a minimum of 10 years after the operation ceases.
- HH. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted if other than "municipal waste."
- II. Under the authority of Act 101 of 1988, the Board of Supervisors may appoint one or more landfill inspectors. Such inspector shall have the authority to visit the site, to monitor operations and review records regarding the origin and types of waste.
- JJ. See Act 101 of 1988, which provides municipalities with the authority to charge host fees.
- KK. The Board of Supervisors may establish certain minimum insurance requirements for the applicant as a condition of Township approval. Such insurance shall, at a minimum, include a \$10 million liability policy regarding environmental hazards.

### 503.29 Stable, Boarding

The maximum number of horses that may be boarded shall be based on the number of animal units available after subtracting the currently owned animal units on the property from the maximum number of animal units permitted under Section 503.1 or 503.2.

### 503.30 Swimming Pool, Private (Household)

- A. The pool shall not involve any commercial use.
- B. **Enclosure Around In-Ground Pools.** A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than four (4) feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and shall include a self-latching device on the pool side for keeping the gate or door securely closed at times when not in use.
- C. **Enclosure Around Aboveground Pools.** Any new or existing aboveground pool shall include a secure fence, wall, or other enclosure a minimum of four (4) feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four (4) feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- D. **Location.** A pool and any deck or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory building. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.
- E. **Drainage.** A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or an on-lot septic system.

### 503.31 No-impact Home-based Business

The business or commercial activity of a no-impact home-based business must satisfy the following requirements:

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

#### 503.32 Home Related Business

A home related business shall not be practiced within the dwelling unit and shall be conducted in accordance with the following:

- A. The principal person engaged in the home related business must be an owner of the property used for the home related business.
- B. The minimum net lot area permitted for a home related business is three (3) acres.
- C. The number of persons employed on the premises of the home related business shall be limited to the residents of the property plus a maximum of three (3) additional persons.
- D. No more than one (1) home related business shall be permitted per deeded property.

- E. No manufacturing of any kind shall be permitted as a home related business.
- F. No clients or customers shall be permitted on the premises of the home related business.
- G. No storage of materials or products shall be permitted outside of the buildings.
- H. There shall be no outside advertising other than as permitted under Article VII of this Ordinance.
- I. Such home related business shall be incidental or secondary to the use of the property as a residence.
- J. In addition to the offstreet parking spaces required for the residential dwelling, one (1) parking space shall be provided for each employee who is not a resident of the property.
- K. A minimum setback of seventy-five feet (75') shall be provided from side and rear lot lines and from the ultimate right-of-way line for all buildings, structures and parking used for the home related business.
- L. Adequate sewage disposal methods and capacity shall be provided in accordance with the Pennsylvania Department of Environmental Protection regulations.
- M. A Zoning Permit shall be obtained prior to commencement, expansion or change of a home related business in accordance with Section 1002 of this Ordinance.

503.33 Temporary Housing for Immediate Family (including Children, Grandchildren, Parents and Grandparents Due to Age, Illness or Infirmary.)

One (1) temporary mobile home may be placed on said lot of Record Property Owner ("Property Owner") for the temporary housing to be utilized solely by the immediate family (including children, grandchildren, parents and grandparents) of one of the resident Record Property Owners who, along with the Property Owner, shall enter into an agreement with Greenwich Township known as "Agreement for Temporary Placement of Mobile Home for Immediate Family of Property Owner" ("Agreement"), upon the determination of the Greenwich Township Board of Supervisors that the following criteria has been met:

- A. The temporary mobile home is for temporary housing to be utilized solely by the immediate family (including children, grandchildren,

parents and grandparents) of one (1) of the Property Owners. For the purposes of this Ordinance, the term "immediate family" shall be defined as the natural mother and father, or step-parents, children, grandchildren and grandparents of either of the resident Record Property Owners of said property.

- B. The lot on which the temporary mobile home is to be placed must comply with all area and bulk regulations for the underlying Zoning District in which the property is located, provided however that the Minimum Net Lot Area required shall be two (2) acres.
- C. The location of said mobile home complies with all other applicable zoning and subdivision and land development regulations of Greenwich Township, Berks County, Pennsylvania.
- D. The location of said mobile home meets all requirements of appropriate sanitary sewage disposal and water supply. Property Owner shall be required to secure appropriate certification from the Township Sewage Enforcement Officer that the existing septic sewage system used for the Property Owner's primary residence on said lot has the capacity to have the temporary mobile home connected thereto. If the existing system cannot be so certified, the Property Owner must upgrade the existing system to meet this requirement. If the existing system cannot be upgraded for any reason whatsoever, including, but not limited to, property constraints, soil conditions or current DEP regulations, a new septic system must be constructed, which can be certified to accept the sewage flows from both the primary residence and the temporary mobile home. In no event shall a second, independent sewage system be constructed to satisfy this requirement. No approval of said temporary mobile home shall occur until SEO certification is approved.
- E. Financial security shall be posted by the Property Owner in an amount set forth in the Agreement between the parties. Said financial security shall be held in an escrow account for the duration of the existence of the temporary mobile home on the property.
- F. The immediate family member(s) of the Property Owner shall qualify for the temporary mobile home residency because they are unable due to age, illness or other infirmity, to safely reside alone, without the care and/or supervision of another person or persons. Specific medical documentation, as may be requested, shall be provided to the Board of Supervisors. No more than two (2) persons shall reside in said temporary mobile home at any one time.
- G. The Township will not approve a second driveway to access the temporary mobile home. The existing residential driveway shall be

extended or modified as needed to provide access for the temporary mobile home.

- H. The said mobile home is located within one hundred (100) yards of the residence of the Property Owner.
- I. The location and placement of the mobile home shall comply with the applicable Pennsylvania Construction Code and all other applicable State and local building codes.
- J. The placement and usage of said mobile home shall be temporary and shall not extend beyond the time that such aged, ill or otherwise infirm family member resides therein.
- K. Prior to granting approval as herein provided by the Board of Supervisors, the Property Owner shall agree in writing with the Township that said owner or owners, their heirs, successors and assigns, shall at their expense remove said temporary mobile home within forty-five (45) days after the time that said aged, ill or otherwise infirm immediate family member dies or vacates the temporary mobile home; or within forty-five (45) days after Property Owner moves to a place being more than one hundred (100) yards from said mobile home; or ceases to care for and/or supervise said aged, ill or otherwise infirm immediate family member; or at the expiration of the Agreement and/or failure to renew said Agreement as set forth in this Ordinance.
- L. In the event the temporary mobile home is not removed pursuant to paragraph "J" above, the Township may, after thirty (30) days prior written notice to Property Owner, use the monies held in escrow to enter upon the property and remove said temporary mobile home. In the event the escrow monies are insufficient, Property Owner shall remain liable to reimburse Township for any costs associated therewith. Such costs shall include, but are not limited to, demolition, transportation, storage, administration and/or attorneys' fees and court costs.
- M. Prior to approval of said temporary mobile home permit, the Property Owner shall be required to submit the appropriate application and filing fee, as established by resolution, to the Township, and if approved by the Board of Supervisors, the Property Owner shall enter into a binding Agreement, as set forth in the opening paragraph of this Section relative to the temporary location of said mobile home, which shall be recorded in the Recorder of Deeds Office of Berks County.
- N. The Property Owner shall be required to pay any and all attorney's fees and engineering fees incurred by the Township in the

preparation of the Agreement and in the enforcement of this Ordinance.

- O. The approval of said temporary mobile home permit shall be for a period of twelve (12) months, which may be extended for successive one (1) year periods on an annualized basis as approved by the Board of Supervisors. Property Owner must submit a request, in writing, stating why the temporary mobile home is still necessary. All permits shall be renewed as of the July Board of Supervisors meeting of each year. If such approval is not granted, the Property Owner must attend the next meeting of the Board of Supervisors. Failure to attend the meeting or failure to extend the permit may result in the immediate revocation of the permit and removal of the temporary mobile home pursuant to this Ordinance.

#### 503.34 Warehouse and Wholesale Trade

- A. The minimum tract size shall be twenty-five (25) contiguous acres.
- B. The tract shall have direct vehicle access to a State Route.

## **ARTICLE VI**

### **OFFSTREET PARKING**

#### **Section 601. GENERAL REGULATIONS**

601.1 Offstreet Parking Facilities shall be provided or reevaluated whenever:

- A. A building is constructed or a new use is established.
- B. The use of an existing building is changed to a use requiring more parking facilities.
- C. An existing building is altered so as to increase the amount of parking space required.

#### **Section 602. REQUIRED NUMBER OF OFFSTREET PARKING SPACES**

602.1 Residential Uses

Two (2) parking spaces per dwelling unit.

602.2 Wholesaling or Warehousing Establishment

One (1) parking space for each employee on the combined employment of the two (2) largest successive shifts. If only one (1) shift, one (1) parking space for each employee on that shift, or one (1) space for each five thousand (5,000) square feet of gross floor area, whichever requires the greater number of spaces.

602.3 Manufacturing, Industrial and Commercial Uses Not Otherwise Specified

One (1) parking space for each employee on the combined employment of the two (2) largest successive shifts. If only one (1) shift, one (1) parking space for each employee on that shift, or one space for each five thousand (5,000) square feet of gross floor area, whichever requires the greater number of spaces.

602.4 Restaurant, Tavern or Similar Use

One (1) parking space for each four (4) seats plus one (1) space for each employee on the largest shift.

602.5 Retail and Service Establishments

One (1) parking space for each one hundred (100) square feet of gross floor area.

602.6 Office Building

One (1) parking space for each one hundred (100) square feet of net floor area.

602.7 Motel, Hotel, Bed and Breakfast, or Similar Establishment

One (1) parking space for each rental unit plus one (1) space for each employee on the largest shift.

602.8 Medical, Dental and Paramedical Offices and Clinics

Four (4) parking spaces for each person engaged in the practice.

602.9 Nursing Home, Convalescent Home, or Home for the Aging

One (1) parking space for each three (3) beds plus one (1) space for each employee on the largest shift.

602.10 Hospital

One and one-half (1-1/2) spaces per bed.

602.11 Funeral Home

One (1) space for each four (4) seats.

602.12 Roadside Farm Stand

Not less than four (4) parking spaces.

602.13 Drive-In Eating Establishments (no indoor seating provided)

One (1) parking space for each one thousand (1,000) square feet of lot area, with the required number of parking spaces not to exceed twenty (20).

602.14 Bowling Alley

Five (5) parking spaces per alley.

602.15 Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge or Other Place of Public Assemblage

One (1) parking space for every three (3) seats.

602.16 Library or Museum

One (1) parking space per three hundred (300) square feet of gross floor area.

602.17 Nursery Schools or Day Care Centers

One (1) parking space per employee plus one (1) space per ten (10) children accommodated in the school or day care, designed for safe and convenient drop-off and pick-up.

602.18 Elementary and Junior High Schools

One (1) parking space per employee.

602.19 High Schools

One (1) parking space per four (4) students.

602.20 Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment

One (1) parking space per fifty (50) square feet devoted to patron use.

602.21 Golf Course

Four (4) parking spaces per tee plus one (1) space per employee, plus parking for ancillary uses, i.e., club building or restaurant.

602.22 Miniature Golf Courses and Driving Ranges

Two (2) parking spaces per tee plus one (1) space per employee.

602.23 For any building or use not covered above, the Zoning Officer shall apply the standard for offstreet parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

**Section 603. DESIGN STANDARDS FOR OFFSTREET PARKING FACILITIES**

- 603.1 Each parking space shall have a minimum area of one hundred sixty-two (162) square feet and minimum dimensions of nine feet (9') by eighteen feet (18'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to, and use of, the area provided for parking purposes. Access to parking facilities shall be from a public road only.
- 603.2 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 non-residential uses shall be provided for on the same lot as the use being served or in parking facilities contiguous with the use, except in the case of a shopping center or similar groupings of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property.
- 603.3 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.
- 603.4 All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
- 603.5 All parking areas shall be paved and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed five percent (5%). Surface water shall not discharge onto public sidewalks or streets. If the number of parking spaces required is less than ten (10), paving of the parking area is not required; however, the parking spaces must be all-weather and must be maintained in a mud-free condition.
- 603.6 No areas necessary to fulfill the offstreet parking requirements of this Ordinance shall be used for the sales, dead storage, repair, dismantling, or servicing of vehicles.
- 603.7 Offstreet parking facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.

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

603.9 Handicap-accessible parking shall be provided and maintained in accordance with the Americans with Disabilities Act (ADA).

#### **Section 604. OFFSTREET LOADING**

604.1 Offstreet loading and unloading spaces, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or converted to such a use. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of public roads, automobile accessways, parking facilities or pedestrian ways. Loading areas shall not be located within the required front yard.

604.2 The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises. At least one loading space shall be provided for each use. When a building permit is applied for, the application for the permit shall show all provisions for offstreet loading and include supporting data (data on number, frequency and size of vehicles which will use the loading or unloading facilities) which justify the number and size of spaces provided.

#### **Section 605. PARKING LOT LANDSCAPING**

Landscaping within any parking lot which provides more than ten (10) parking spaces shall be subject to the following:

605.1 Offstreet parking lots shall be landscaped and maintained to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to provide shade; to improve stormwater drainage conditions; and to provide for a more attractive setting.

605.2 A minimum of ten percent (10%) of the parking lot area shall be landscaped. Landscaping shall be in addition to required buffer screens.

605.3 The interior of each parking lot shall have at least one (1) three-inch (3") caliper deciduous shade tree for every ten (10) parking spaces if there are no existing shade trees to satisfy this requirement. Shrubs and other planting materials shall be used to complement the trees, but shall not be the sole

contribution to the landscaping. These trees shall be in addition to those required as a buffer screen.

605.4 Plant materials selected for landscaping in parking lots shall be of species proven to be salt and dust resistant.

605.5 The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) parking spaces, in which the following shall apply:

- A. Landscaped areas of at least ten feet (10') in width shall be provided around the periphery of the parking lot. Such areas shall, as a minimum, extend the full length and width of the parking areas, except for the necessary accessways, to prevent encroachment of moving vehicles into parking lots.
- B. Landscaped islands shall be provided at the end of each parking row and shall be designed so as to be distinguishable between parking areas and access aisles.
- C. There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of five feet (5') if double-loaded (parking on both sides), or four feet (4') if single-loaded (parking on one side only).

## ARTICLE VII

### SIGNS

#### Section 701. SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.

#### Section 702. GENERAL RESTRICTIONS

The following restrictions shall apply to permitted signs in all Zoning Districts.

- 702.1 No sign other than official traffic signs shall be erected within the lines of any street unless specifically authorized by this and/or other ordinances or regulations of Greenwich Township.
- 702.2 There shall be no lighting or illumination of a flashing, intermittent, or moving type. Signs may be interior-lighted with non-glaring lights or may be illuminated by shielded flood lights. The light intensity shall not be greater than ten (10) foot-candles beyond the lot boundaries.
- 702.3 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 by obscuring view.
- 702.4 Every sign permitted by this Ordinance must be constructed of durable material and be maintained in good condition. Any sign that is allowed to become dilapidated shall be removed at the expense of the owner or lessee. The Zoning Officer shall make such determination as to the state of repair.
- 702.5 No sign shall be erected or located upon a property or a structure as to prevent free ingress or egress from any window, door, or fire escape.
- 702.6 No signs shall be erected until the location thereof has been staked and approved by the Zoning Officer, except for the following:
  - A. Memorial plaques and historical markers.
  - B. Signs on mail boxes not exceeding five (5) inches in height.
  - C. Signs twelve (12) square feet or less in area on any one side.

- 702.7 The distance from the ground to the highest part of any sign shall not exceed ten (10) feet in residential districts. The distance from the ground to the highest part of any free standing sign in a commercial or industrial district shall not exceed twenty-five (25) feet. In commercial or industrial districts, no portion of a sign that is attached to a building, or supported by a building, shall extend above the height of that building.
- 702.8 The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

**Section 703. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

- 703.1 Official Traffic Signs
- 703.2 Identification Signs or Bulletin or Announcement Boards for Schools, Churches, Hospitals, or Similar Institutions, and for Clubs, Lodges, Farms, Estates, or Similar Uses, Provided that:
- A. No more than two (2) such signs shall be erected on any frontage of any one property.
  - B. The area on one side of any such sign shall not exceed twenty (20) square feet.
  - C. No such sign shall be closer than ten (10) feet to the front lot line.
- 703.3 Sign Indicating the Name, Profession, or Activity of the Occupant of a Dwelling, Provided that:
- A. The size of such sign shall not exceed two (2) square feet.
  - B. No such sign shall be located within ten (10) feet of the front lot line.
  - C. No more than one such sign shall be permitted for each permitted use or dwelling.
- 703.4 Signs Advertising the Rental or Sale of Premises, Provided that:
- A. The area on any side of any such sign shall not exceed twelve (12) square feet.

- B. The sign shall be located on the property to which it refers.
- C. No sign shall be located within ten (10) feet of the front lot line.
- D. Not more than one such sign shall be placed on any one street frontage.

703.5 Temporary Signs of Contractors, Architects, and the Like, Provided that:

- A. Such signs shall be removed promptly upon completion of the work.
- B. The area of such signs shall not exceed twelve (12) square feet.
- C. Such signs shall be located on the property on which the work is being done.
- D. Such signs shall be no closer than ten (10) feet to the front lot line.

703.6 Signs Advertising a Lawful Nonconforming Use, Provided that:

- A. The area on one side of such sign shall not exceed twelve (12) square feet.
- B. The sign shall be erected only on the premises on which the nonconforming use is located.
- C. No more than two (2) such signs shall be erected on any one street frontage.
- D. No sign shall be located within ten (10) feet of the front lot line.

703.7 Signs necessary for the identification and protection of public utility facilities, provided that the area of one side of such sign shall not exceed ten (10) square feet.

703.8 Within a residential district, a sign advertising the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that:

- A. The area on one side of any such sign erected on any one street frontage shall not exceed ten (10) square feet.
- B. Not more than one such sign shall be erected on any one street frontage.
- C. No sign shall be closer than ten (10) feet to the front lot line.

703.9 Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision, provided that the area on one side of any sign shall not exceed four (4) square feet.

703.10 No trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two square feet and, the signs, for information posted by the landowner, should be placed at intervals of not less than fifty (50) feet along any street frontage.

**Section 704. SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

704.1 All signs as provided in Section 702

704.2 Business sign (on-site) provided that:

- A. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed two hundred (200) square feet except in the case of a building housing more than one commercial or industrial use.
- B. No part of any sign shall be located within ten (10) feet of the front lot line.
- C. No more than one free standing sign shall be allowed on any one street frontage of any one property.
- D. No more than three (3) separate signs shall face any one street frontage on any one premise except in the case of a building housing more than one commercial or industrial use.
- E. In the case of a building housing more than one commercial or industrial use, one permanent identifying sign for the building, the area on one side of which shall not exceed one hundred (100) square feet, may be erected. In addition, for each commercial or industrial use located within that building, one sign, the area of which shall not exceed twenty (20) square feet, may be attached to that portion of the building housing the use.
- F. Promotional or advertising banners, A-type, sandwich type, sidewalk or curb signs shall only be permitted for a new business or an existing business for special occasions not more than four (4) times a year in commercial or industrial zoned districts for a period of not more than a total of fifteen (15) days each time. The combined area of sign faces per business shall not exceed thirty-two (32) square feet and they may only be placed on the property where the business is conducted. At no other time shall such signs be permitted.

- G. Window signs are permitted. The area of window signs shall not be figured into the total area permitted for that particular building or use, when located on the inside of the building.

704.3 Advertising sign (off-site) provided that:

- A. Advertising signs shall have a maximum sign area of three hundred (300) square feet.
- B. No advertising sign shall be erected within six hundred (600) feet of existing residential dwellings.
- C. A minimum distance of two thousand (2000) feet shall be maintained between a proposed advertising sign and any other proposed or existing advertising sign. The minimum distance shall be measured radially from the farthest extension of any proposed or existing panel type sign. No lot shall contain more than one advertising sign.
- D. No part of the sign shall be more than thirty (30) feet in height.
- E. No part of the sign shall be within thirty (30) feet from any street or road right-of-way line.
- F. Lighted signs shall use downward-directed, nonglare lighting fixtures designated and approved for outdoor use.
- G. No advertising sign or sign face shall be attached in any way to any other advertising sign. Advertising signs shall have a maximum of two sign faces.

704.4 Directional sign (off-site) provided that:

- A. The directional sign shall have a maximum sign area of three (3) square feet.
- B. The top of any directional sign shall be no more than six (6) feet from the ground surface immediately underneath.
- C. No more than one directional sign shall be allowed on any one street frontage of any one property.
- D. No single use or business establishment shall erect, place, install or maintain more than six (6) such signs within the Township.



## ARTICLE VIII

### ENVIRONMENTAL PROTECTION

#### **Section 801. ENVIRONMENTAL PROTECTION REQUIRED**

801.1 All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.

801.2 All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.

#### **Section 802. PROHIBITED NUISANCES**

No land or structures in any Zoning District shall be used or occupied in any manner that creates any nuisance in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining properties or be dangerous to public health or safety.

#### **Section 803. AREAS WITH HIGH WATER TABLE**

803.1 Any proposed land use which may directly (by means of effluent discharge into the ground) or indirectly (through the leaching of stored materials) result in the pollution of the groundwater shall be prohibited from developing in any area which has a year-round or seasonal high water table which comes to within any distance of the ground surface which violates Pennsylvania Department of Environmental Protection regulations.

803.2 The determination of such hazards shall be made by the appropriate State agency and/or by a qualified sanitary engineer, geologist, or soil scientist approved by the Board of Supervisors.

803.3 The County Soil Survey developed by the Natural Resource Conservation Service shall be used to establish high water table soils, unless more accurate information is available.

## **Section 804. AREAS OF STEEP SLOPES**

### 804.1 Specific Intent

Steep slopes pose special problems for normal building construction and site development in terms of runoff control, soil erosion, stream siltation, flooding, sewage disposal system seepage, etc. It is impractical to delineate each separate steep slope area on the official zoning map, so these controls are intended to augment the provisions of the primary zoning district.

### 804.2 Definition

Steep slope areas, over fifteen percent (15%) in grade, are delineated on the U.S. Soil Conservation Service Soil Maps as slopes having a D, E, or F suffix. For purposes of provision of on-lot sanitary facilities, slopes of eight percent (8%) to fifteen percent (15%) and greater are considered steep slopes. These slopes have a suffix of C, D, E, or F on the Natural Resource Conservation Service Soil Maps.

### 804.3 Uses Permitted

- A. Parks, outdoor recreation.
- B. Agriculture, forestry etc.; except intensive agricultural use.
- C. Buildings permitted in the primary district further provided that:
  - 1. Buildings or structures are not located on slopes whose grade exceeds twenty-five percent (25%) (E or F slopes on soil maps).
  - 2. Buildings or structures, and roads located on a slope of fifteen percent (15%) to twenty-five percent (25%) in grade (D slopes), require a plan showing the topography, building location, driveways, sanitary facilities, foundation, drainage, planting schedule, a grading plan prepared by an architect or landscape architect or engineer, and a statement as to how problems of possible erosion, stream siltation, soil stabilization, and revegetation are to be overcome. The plan shall be reviewed by the Township Zoning Officer and Engineer prior to the issuance of a Zoning Permit.

3. Buildings requiring on-lot sanitary facilities to be located on a slope of eight percent (8%) or greater require the submittal of a detailed plan prepared by a qualified engineer or sanitarian to indicate the location and design of special sanitary facilities needed to overcome slope problems and a statement that no seepage or other unsanitary conditions will be caused by such design.

#### 804.4 Issuance of a Zoning Permit

A Zoning Permit shall not be issued for a steep slope area development until the Township Engineer has certified that the conditions on the lot are as actually represented on the plan, and that the plan elements, as proposed, will actually resolve the problems arising from the steep slope condition.

#### 804.5 Recording of Permits

The Zoning Officer shall maintain a separate file for all Zoning Permits that were issued on areas subject to these regulations.

### **Section 805. DEVELOPMENT ALONG WATERBODIES**

No structure or offstreet parking area shall be within fifty feet (50') of the banks of any stream, lake or pond, except offstreet parking areas for public recreation uses.

### **Section 806. FILLING, EXCAVATING, AND GRADING**

Grading Regulations:

- A. Existing grades shall not be increased so that unstable slopes are created.
- B. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
- C. The deposit of soils, detritus or other debris (as a result of site preparation, grading, or excavating) shall not be unsightly or detrimental to any property, street, sewer, or natural waterway.

**Section 807. OUTDOOR STORAGE CONTROL**

- 807.1 Flammable or explosive liquids, solids, or gases may be stored in bulk if done in accordance with the Storage Tank and Spill Prevention Act (Act 32 of 1989) as may be amended from time to time.
- 807.2 All outdoor storage facilities for fuel, raw materials, and products stored outdoors (including those permitted in Section 806.1) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public's health, safety and welfare.
- 807.3 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces.
- 807.4 No substance which can contaminate groundwater or surface water, render groundwater or surface water undesirable as a source of water supply or recreation, or destroy aquatic life, shall be allowed to enter any groundwater or surface water.
- 807.5 Applicable Department of Environmental Protection regulations shall apply.

**Section 808. NOISE CONTROL**

- 808.1 No person shall operate or cause to be operated on private property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use:

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

- 808.2 For any source of sound which emits a pure tone, the maximum sound level limits set forth in Section 807.1 shall be reduced by five (5) dBA.

808.3 The maximum permissible sound level limits set forth in Section 807.1 shall not apply to any of the following noise sources:

- A. The emission of sound for the purposes of alerting persons to the existence of an emergency.
- B. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- C. Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays or Sundays.
- D. Explosives and construction activities.
- E. Agriculture.
- F. Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
- G. Public celebrations specifically authorized by the Township.
- H. Surface carriers engaged in commerce by railroad.
- I. The unamplified human voice.
- J. Discharge of firearms.

808.4 For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of the time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

**Section 809. DUST, DIRT, SMOKE, VAPORS, GASES, AND ODOR CONTROL**

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards established under the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, and Title 25, Rules and Regulations, Department of Environmental Protection, Article III Air Resources. Agricultural sources are excluded under §123.42(4) [dust] and §123.31(c) [odors] of Title 25 Environmental Resources Chapter 123. Standards for Contaminants.

**Section 810. LIGHT, GLARE AND HEAT CONTROL**

All uses shall minimize the production of light, heat or glare that is perceptible beyond any property line of the lot on which the light, heat or glare is produced. Downward-directed, non-glare illumination devices shall be utilized unless it can be proven that they are not practicable for the purpose.

**Section 811. ELECTRIC, DIESEL, GAS OR OTHER POWER**

811.1 Every use requiring power shall be so operated that any service line, substation, or other facility shall:

- A. conform to the highest applicable safety requirements,
- B. be constructed and installed as an integral part of the architectural features of the plant, and
- C. be concealed by evergreen planting from residential properties.

**Section 812. CONTROL OF RADIOACTIVITY, ELECTRICAL EMISSIONS, AND ELECTRICAL DISTURBANCES**

812.1 No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not comply with the regulations of the Pennsylvania Department of Environmental Protection's Division of Radiology, the Federal Nuclear Regulatory Commission, and the Federal Interstate Commerce Commission.

812.2 No person shall conduct or permit any use to be conducted which causes electrical disturbances (except from domestic household appliances) to adversely affect any equipment at any time other than the equipment creating the disturbance.

## ARTICLE IX

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

#### **Section 901. STATEMENT OF INTENT**

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

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

#### **Section 902. NON-CONFORMING LOTS OF RECORD**

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

If two or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance. This section shall not apply to any lots within approved subdivision, or land development plan, whether preliminary or final, within five (5) years from such approval.

#### **Section 903. NON-CONFORMING USES OF LAND**

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000, may be

continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

A. Extension

Such non-conforming use may be extended or increased by not more than 25% of the existing non-conforming use at the effective date of adoption of this Ordinance.

B. Discontinuance

Whenever a non-conforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.

C. Changes or Moving of Use

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

D. Additional Structures or Buildings

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

**Section 904. NON-CONFORMING STRUCTURES OR BUILDINGS**

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

A. Enlargement

Such non-conforming structure or building may be enlarged or increased after the adoption of this Ordinance provided that the extension conforms with all yard regulations and other applicable sections of this Ordinance.

A non-conforming structure or building which does not conform with the front yard regulations of the district in which it is located may be extended no more than 25% of the existing gross floor area, provided that the extension will not extend farther into the front yard than the existing non-conforming building, and will not be closer to the side property line than the required side yard distance, or the front yard distance if the extension is toward the side street of a corner lot.

B. Moving of Structure or Building

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

C. Damage, Destruction or Demolition

Such non-conforming structure or building which is destroyed or partially destroyed by fire, explosion, etc., to an extent rendering it physically unsafe, as declared by the Building Inspector, or demolished or removed by the owner, shall not be repaired, restored, rebuilt or reconstructed to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance, provided however, if reconstruction in such a case begins within twelve (12) months after destruction, partial destruction demolition or removal occurs, the same non-conforming structure or a structure less non-conforming may be reconstructed.

**Section 905. NON-CONFORMING USES OF STRUCTURES OR BUILDINGS**

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

A. Extension

A non-conforming use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a non-conforming use shall not exceed twenty-five (25) percent of the gross floor area occupied by said non-conforming use at the time such nonconforming use became non-conforming.

B. Change of Use

A non-conforming use, if changed to a conforming use shall not thereafter be changed back to any non-conforming use except if the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the previous non-conforming use and thereby grant a special exception.

C. Discontinuance

Whenever a non-conforming use of structure or building or portion thereof has been discontinued or abandoned for six (6) consecutive months such structure or building or part thereof shall not thereafter be used for a nonconforming use.

D. Damage, Destruction or Demolition

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the permitted non-conforming use of the structure or building provided. Destruction is defined as damage to an extent rendering the structure physically unsafe as declared by the Building Inspector. However, if construction begins within twelve (12) months after destruction or partial destruction occurs, the same non-conforming use may be carried on.

**Section 906. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS**

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

**Section 907. USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON CONFORMING USES**

Any use which is permitted as a special exception in a zoning district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use shall not be deemed a non-conforming use in such Zoning District, but shall without further action be considered a conforming use.

## ARTICLE X

### ADMINISTRATION AND ENFORCEMENT

#### Section 1001. DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Greenwich Township Zoning Officer, as designated by the Board of Supervisors. The Zoning Officer shall not hold any elected office within the Township. The duties of the Zoning Officer shall be.

- A. To enforce literally the provisions of this Ordinance and all amendments hereto.
- B. To receive applications for Zoning Permits and Sign Permits and to issue same as permitted by the terms of this Ordinance.
- C. To keep an official record of all businesses and activities, including complaints of a violation of any of the provisions of this Ordinance and record of action taken in response to such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports or inspections made in connection with any structure, building, sign, or land shall be retained as long as such structure, building, sign, or land remains in existence.
- D. To make inspections as required to fulfill these duties.
- E. To issue permits for uses by special exception and variances to this Ordinance after such uses and/or structures have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- F. To issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- G. To maintain an accurate, up to-date copy of this Ordinance, the Zoning Map, and all amendments as may be made to either the Ordinance text or map.
- H. To serve a Notice of Violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance or any detailed statement or plan approved hereunder. Such Notice of Violation shall be in writing and shall indicate the exact nature of the violation as well as action(s) necessary to correct

same. If the Notice of Violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, building, sign, and/or land involved in said violation.

**Section 1002. ZONING PERMITS**

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

A. Form of application

1. All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing, as a minimum, the following information:
  - a. Actual dimensions and shape of the lot to be built upon.
  - b. The exact size and location on the lot of buildings, structures, and signs existing, proposed extensions thereto, or to be constructed thereon.
  - c. The number of dwelling units, if any, to be provided.
  - d. Parking spaces and loading facilities to be provided.
  - e. A statement indicating the existing and proposed use.
  - f. Where new construction or addition(s) to or replacement of existing structure(s) is proposed, the plan shall indicate the height of proposed structures, buildings, and signs.
  - g. All other information necessary for the Zoning Officer to determine conformance with and provide for the enforcement of this Ordinance.
2. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on said copy.

3. One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.
  4. Such approval and Zoning Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such forms as the Zoning Officer may prescribe.
- B. Expiration of Zoning Permit
1. A Zoning Permit shall expire six (6) months after the date of issuance, if the work described upon such permit has not begun.
  2. If work described by any Zoning Permit has begun within said six (6) month period, said permit shall expire two (2) years from its date of issuance.
- C. Renewal of Zoning Permit
1. A Zoning Permit may be renewed by the Zoning Officer only under the following conditions.
    - a. Renewal shall be upon written request of the permit holder. The permit holder shall not be required to re-submit plans as required for an original permit by §902(A), unless, in the opinion of the Zoning Officer, there have been substantial changes to the project. In such case, a new Zoning Permit shall be required rather than a renewal of the existing Permit.
    - b. Such written request must be received by the Zoning Officer within one (1) month of the expiration date of the preceding permit.
    - c. Renewal is required due to the magnitude of the project or circumstances beyond the control of the applicant which prevented him from completing his project within the original two (2) year period.
  2. Time limitations for the renewed permit shall be the same as for the original permit, as described above in §1002(B).
  3. The Renewal of Zoning Permit shall be issued or refused within ten (10) working days of the date of receipt by the

Zoning Officer of the written request required in § 1002(C)1.a and §1002(C)1.b.

4. If, in the opinion of the Zoning Officer, the conditions for renewal described in §1002(C)1.c do not apply, the Zoning Officer shall not issue a Renewal of Zoning Permit, but shall require the applicant to re-apply for a Zoning Permit according to the procedure described in §1002(A).
5. Nothing in this section shall be interpreted to compel the Zoning Officer to renew a Zoning Permit.

**Section 1003. CERTIFICATE OF USE AND OCCUPANCY**

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

A. Form of application

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

B. Issuance of Certificate of Use and Occupancy

1. The Zoning Officer shall inspect structures, buildings, signs, and land or portions thereof to determine conformance with the Zoning Permit issued therefor. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.
2. A Certificate of Use and Occupancy shall be granted or refused in writing within ten (10) days of the date of application.
3. No Certificate of Use and Occupancy for a commercial or industrial facility shall become permanent until the said facility has been in full operation for a period of at least thirty (30) days. After such time, the Zoning Officer shall reinspect the work and determine compliance with all Performance Standards as stated in Article V. The issuance of a permanent Certificate of Use and Occupancy shall depend upon a positive determination of compliance with such standards by the Zoning Officer.

## **Section 1004. CONDITIONAL USES**

Wherever this Ordinance provides for Conditional Uses to be granted or denied by the Board of Supervisors of Greenwich Township, the procedures set forth in this §1004 shall be the exclusive mode for securing authorization for or approval of any such conditional use. The Board of Supervisors shall give consideration to all applications for Conditional Uses in accordance with these provisions.

### **A. Application**

1. An application for a conditional use shall be made in writing to the Board of Supervisors and shall be accompanied by the written material and data required here below, along with such other written and graphic material as may be required by the Board of Supervisors to enable them to adequately make the decisions and determinations required by this Ordinance.
2. Five (5) copies of all applications, along with the material and data required by this Ordinance, shall be submitted to the Board of Supervisors, along with such fees as may be established from time to time by resolution of the Board of Supervisors.

### **B. Review by the Greenwich Township Planning Commission**

1. The Board of Supervisors shall submit three (3) copies of the complete application to the chairman of the Township Planning Commission. The Planning Commission shall complete its review of the application and prepare a written report to the Board of Supervisors, presenting its findings within sixty (60) days following receipt of the applications by the Planning Commission.
2. The Board of Supervisors shall make at least two (2) copies of the Planning Commission's report available for public inspection at the Township Building within five (5) days of their receipt of said report. The reports shall remain available for public inspection during the posted hours of operation of the Township Building until a final decision has been rendered on the application by the Board of Supervisors.

C. Conduct of hearings.

1. Within five (5) business days of the receipt of a complete application for Conditional Use, including all fees, the Board of Supervisors shall give the first of two (2) written public notices of the receipt of such application. The written public notice shall include, but need not be limited to, the following information:
  - a. The identity of the applicant for Conditional Use.
  - b. The specific type of use applied for.
  - c. The location of the proposed Conditional Use.

Such written public notice shall be published once a week for at least two (2) consecutive weeks in a newspaper of general circulation in Greenwich Township.

2. The Board of Supervisors shall schedule a public hearing to obtain input on the application from all interested parties. Such public hearing shall be held within sixty (60) days of Township receipt of the application. A written notice announcing the public hearing shall be published two (2) weeks prior to said hearing in a newspaper of general circulation in Greenwich Township.
3. The Board of Supervisors shall give written notice of any public hearing to the applicant, to the Zoning Officer, and to any person who has made a timely request for such notice.
4. The parties to the public hearing shall be the applicant, any person affected by the application who has made a timely appearance of record before the Board of Supervisors, and any other person (including civic or community organizations) who has made a timely appearance of record before the Board of Supervisors. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms supplied by the Board for such purpose.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument and to cross-examine witnesses on all relevant issues.
6. Formal rules of evidence shall not apply; however, irrelevant, immaterial, or unduly repetitious evidence may be excluded.

7. The Board shall keep a stenographic record of the proceedings. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

D. Decision by the Board of Supervisors.

1. The Board of Supervisors shall render a written decision upon applications for conditional use within sixty (60) days of the last public hearing before the Board. In authorizing or approving any such conditional use, the Board of Supervisors shall have the power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance or to support the purpose of the district within which the conditional use is or will be located.
2. Where the application is contested or denied, the written decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based upon any provision of the Pennsylvania Municipalities Planning Code or upon any ordinance, rule, or regulation of the Township shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
3. Where the Board of Supervisors has power to render a decision and fails to do so within the period required here above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.
4. A copy of the written decision shall be delivered to the applicant personally or mailed to him postmarked not later than the business day next following the date of the decision. To all other persons who have filed their names and addresses with the Board of Supervisors not later than the date of the last public hearing, the Board shall provide, by mail or otherwise, brief notice of the decision and a statement indicating where the full decision may be examined.
5. Nothing in this sub-section shall prejudice the right of any party opposing the application to urge that the decision of the Board of Supervisors is erroneous.

E. General standards.

In considering applications for conditional use, the Board of Supervisors shall:

1. Assure itself that the proposed use is consistent with the spirit, purpose, and intent of this Ordinance and of the zoning district within which it is located;
2. Determine that the proposed use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood, and the properties adjacent to the proposed use are adequately safeguarded;
3. Determine that the proposed use will serve the best interests of the township, the convenience of the community, and the public health, safety, and welfare;
4. Consider the effect of the proposed use upon the logical, efficient, and economical extension of public services and facilities;
5. Consider the social, environmental, and economic impact of the proposed use against logical alternatives;
6. Be guided in its study, review, and recommendation by sound standards of land development practice, where applicable;
7. Guide the development of state and local highway frontage to limit the total number of access points, encouraging the placement of access to buildings on roads perpendicular to major highways;
8. Impose such conditions, in addition to those required, as are necessary to assure compliance with the general purpose and intent of this Ordinance, which shall include, but not necessarily be limited to the harmonious design of buildings, provision of plantings and the maintenance of same as a visual and/or aural barrier, and the minimization of noxious, offensive, or hazardous elements; and
9. Weigh each case on its own merits separately, based upon pertinent information presented to or otherwise known to the Board, without regard to any previous case but giving full application to all Township Ordinances.

**Section 1005. ENFORCEMENT**

- A. If it appears to the Board of Supervisors or the Township Zoning Officer that a violation of any provision of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending a Notice of Violation as provided for in this Section.
- B. The Notice of Violation shall be delivered or sent via certified mail to the owner of record, or the lessee as may be applicable, of the parcel on which the violation has occurred, to any person who has filed a written request to receive such Notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. The Notice of Violation, as a minimum, shall state:
  - 1. The name of the owner of record and any other person against whom the Township intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - 4. The date by which steps toward compliance must be initiated and the date by which full compliance must be achieved.
  - 5. That failure to comply with the Notice within the time specified will constitute a violation of this Ordinance, subject to the penalties described in §1007 of this Ordinance. The Zoning Hearing Board shall have the authority to grant extensions to this time period.
  - 6. The recipient of an enforcement notice shall have thirty (30) days within which to appeal the notice before the Zoning Hearing Board. This appeal period shall not apply where the specific violation poses a clear and imminent threat to the public health, safety, or welfare.
- D. In addition to a Notice of Violation, a Stop Order may be issued under the following circumstances and in the same manner as a Notice of Violation:
  - 1. If activities regulated by this Ordinance are undertaken without the required Zoning Permit or Certificate of Use and Occupancy being granted by the Township.

2. If an activity undertaken under a Zoning 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 restrictions; the area, yard, impervious coverage, or structure height regulations; performance standards; general regulations; or any other requirements of this Ordinance.
  4. If an activity permitted by special exception, variance, or condition is conducted in accordance with the terms of the granting of the special exception, variance, or conditional use.
- E. The Stop Order shall state, as a minimum:
1. The name of the owner of record, and the lessee as may be applicable, against whom the Order is written.
  2. The location of the property.
  3. The specific violation with a description of the requirements which have not been met, citing the applicable Township regulation(s) or ordinance(s) and section(s) thereof or conditions attached to a variance, use by special exception, or conditional use.
  4. The conditions under which work may continue.
  5. That continuance of activity in violation of the stop order shall constitute a violation of this Ordinance, subject to the penalties described in §1007 of this Ordinance.

**Section 1006. REMEDIES**

In case any building, structure, or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Board of Supervisors or a duly appointed officer of the Township may, in addition to other remedies, institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or use of land; or to prevent in or about such premises any act, conduct, business, or use constituting a violation.

**Section 1007. PENALTIES**

- A. Any person, firm, corporation, or partnership who or which has violated the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- B. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there was a good-faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation. In such case, there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice; thereafter, each day that the said violation continues shall constitute a separate violation.
- D. All judgements, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township of Greenwich.
- E. 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 judgement.
- F. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than duly authorized representatives of the Township of Greenwich the right to commence any action for enforcement pursuant to this Section, unless otherwise authorized by the Pennsylvania Municipalities Planning Code.

**Section 1008. APPEALS**

Proceedings for securing review of any ordinance, decision, determination, or order of the Board of Supervisors, its agencies, or officers adopted or issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code.

**Section 1009. AMENDMENT**

The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by proceeding in the manner prescribed by this Section.

A. Amendment by the Board of Supervisors

1. The Board of Supervisors, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on a proposed amendment and cause notice thereof to be given as follows:
  - a. By publishing a notice thereof once a week for two (2) successive weeks in one newspaper of general circulation in the Township.
  - b. The notices shall state the general nature of the proposed amendment.
2. The Board of Supervisors shall refer each proposed change or amendment to the Township Planning Commission and the Berks County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commissions an opportunity to submit recommendation on the proposed amendment. The Planning Commissions shall consider whether or not the proposed change or amendment would be, in the view of the Commissions, consistent with the purposes and objectives set forth in Community Development Objectives contained in §103 of this Ordinance and desirable in the furtherance of the plan therein referred to for future land development.

B. Amendment by Citizens' Petition

1. Whenever the owners of fifty (50) percent or more of the area for which a change of zoning regulations or classification is sought shall present to the Board of Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for or of the Zoning Map including such district or part thereof, it shall be the duty of the Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

2. Applicants to the Board of Supervisors for the amendment, supplement, change, or modification of the provisions of this Ordinance shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice, the cost of stenographic services and any other expense incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

C. Curative amendments

1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance, any provision thereof, or the Zoning Map which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors along with a written request that his challenge and proposed amendment be heard and decided as provided for in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code, as amended.
2. The Board of Supervisors shall commence a hearing upon such request within sixty (60) days of receipt of such request, in accordance with §916.1 of the Pennsylvania Municipalities Planning Code.
3. The curative amendment shall be referred to the Berks County Planning Commission and the Greenwich Township Planning Commission in accordance with §1009(A)2 of this Ordinance, and notice of the hearing thereon shall be given as provided in §1009(E) here below. The hearing shall be conducted in accordance with §1104 of this Ordinance; all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Board of Supervisors.

D. Public hearing.

1. The Board of Supervisors shall hold a public hearing before voting on the enactment of any amendment or change.
2. Public notice of such hearing shall include either the full text of the proposed amendment or change or a brief summary of the principal provisions in reasonable detail and a reference

to where within the Township copies of the proposed amendment or change may be examined prior to the hearing.

3. If, after a public hearing held upon an amendment or change, the proposed amendment or change is revised or further revised to include land previously unaffected, the Board of Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change.
  4. The vote by the Board of Supervisors concerning the amendment or change shall be no more than ninety (90) days after the last public hearing.
- E. Notice of hearing.

Notices of public hearings shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall appear not more than thirty (30) days prior to the hearing date. The second publication shall appear not less than seven (7) days prior to the hearing date.

**Section 1010. SCHEDULE OF FEES, CHARGES, AND EXPENSES**

- A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses, as well as collection of procedures for Zoning Permits, Certificates of Use and Occupancy, Special Exceptions, Variances, appeals to the Zoning Hearing Board, curative amendment hearings, and other matters pertaining to the administration of this Ordinance.
- B. Said schedule of fees shall be available for inspection in the office of the Zoning Officer.
- C. The schedule of fees may be altered or amended by resolution of the Board of Supervisors.
- D. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **ARTICLE XI**

### **ZONING HEARING BOARD**

#### **Section 1101. CREATION, APPOINTMENT, AND ORGANIZATION**

- A. The Zoning Hearing Board, referred to as the Board within this Article, shall consist of three (3) residents of Greenwich Township appointed by the Board of Supervisors pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended. The Board shall perform all the duties and have all the powers prescribed by the said Code and as herein provided. The Board of Supervisors shall make provision in its budget for appropriate funds for the operation of the Board.
- B. The term of office of each Board member shall be three (3) years, and shall be fixed so that the term of office of one (1) member shall expire each year. Members of the Board shall hold no other office in the Township, whether elected or appointed.
- C. Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the Board member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held pursuant to such removal if the Board member being voted upon requests such in writing.
- D. Vacancies within the Board shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.
- E. Alternate Members
  - 1. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of Greenwich Township to serve as alternate members of the Board.
  - 2. The term of office of an alternate member shall be three (3) years.
  - 3. When seated pursuant to the provisions of §1101(G)3 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set

forth by the Pennsylvania Municipalities Planning Code, as amended, and as may otherwise be provided for by law.

4. Alternate members shall hold no other office in the Township.
5. Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to §1101 (F)1 unless designated as a voting alternate member pursuant to §1101 (G)3 of this Ordinance.

F. Compensation and Expenditures for Services

1. The members of the Board shall receive such compensation as shall be fixed by resolution of the Board of Supervisors, but in no case shall such rate exceed the rate of compensation authorized paid to Supervisors.
2. Within the limits set by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The Township Solicitor shall not serve as Solicitor for the Board.

G. Organization

1. The Board may make, alter, and rescind rules and forms for its procedure including, but not limited to, the manner of filing appeals and applications for special exceptions and variances.
2. The Board shall elect from its own membership a Chairman and any other officers it may deem necessary. Officers shall serve annual terms and may succeed themselves.
3. For the conduct of any hearing and the taking of any action, a quorum shall be not less than two (2). If, by reason of absence or disqualification of a member, a quorum is not attained, the Chairman of the Board shall designate as many duly appointed alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final

determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

4. The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf.
  5. 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. All meetings of the Board shall be open to the public.
- H. 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 keep records of its examinations and other official actions, all of which shall be immediately filed with the Secretary of the Board of Supervisors, and shall be a public record. The Board shall submit an annual report each year to the Board of Supervisors.

**Section 1102. JURISDICTION AND FUNCTIONS OF THE ZONING HEARING BOARD**

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

- A. Substantive challenges to the validity of any land use ordinance (including this Zoning Ordinance and the Zoning Map) or Official Map in effect in Greenwich Township, except for landowner curative amendments, which are the jurisdiction of the Board of Supervisors. Substantive challenges shall be administered in accordance with §1103 and §1104 of this Ordinance.
- B. Challenges to the validity of any land use ordinance in effect in Greenwich Township where such challenge involves procedural questions or alleged defects in the process of enactment or adoption. Such challenges must be raised by an appeal within thirty (30) days of the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including:
  1. The granting or denial of any permit, or failure to act on the application for any permit.
  2. The issuance of any cease-and-desist order.

3. The registration of any nonconforming use, structure, or lot.
- D. Appeals from the determination of the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
  - E. Appeals from the determination of the Township Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof in effect in Greenwich Township with reference to sedimentation and erosion control and storm water management, except for applications involving the Greenwich Township Subdivision and Land Development Ordinance.
  - F. Applications for a variance from the terms of this Zoning Ordinance.
    1. The Board shall hear requests for variance where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. No variance shall be granted unless and until the applicant can demonstrate to the satisfaction of the Board that:
      - a. There are unique physical circumstances or conditions (such as irregularity, narrowness, or shallowness of lot size or shape) or exceptional topographical or other physical conditions peculiar to the particular property. Such hardship shall be due to such physical conditions and not the circumstances and conditions generally created by the provisions of this Zoning Ordinance in the district where the property is located.
      - b. 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 reasonable use of the property.
      - c. Such hardship shall not have been created by the applicant.
      - d. The variance, if authorized, shall not result in alteration of the essential character of the neighborhood or district in which the property is

located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- e. The variance, if authorized, shall represent the minimum variation from the standards of this Ordinance which will afford relief and will represent the least modification possible thereof.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the stated purposes of this Zoning Ordinance.
  3. Unless otherwise specified by the Zoning Hearing Board, a variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof or fails to commence a substantial amount of work within six (6) months from the date of issuance of the permit for such work.
- G. Applications for Uses by Special Exception as defined in this Zoning Ordinance.
1. The Board shall hear and decide upon requests for such uses by special exception in accordance with such standards and criteria stipulated by this Ordinance for the particular use in question.
  2. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the stated purposes of this Ordinance and the district wherein the property in question is located.
  3. Unless otherwise specified by the Zoning Hearing Board, a special exception which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof or fails to commence a substantial amount of work within six (6) months from the date of issuance of the permit for such work.
- H. Appeals from the determination of any officer of agency charged with the administration of any of the performance provisions of this Zoning Ordinance.

- I. Appeals from the determination of the Zoning Officer concerning the preliminary opinion of whether a proposed building, land development, or other use of land addressed by this Ordinance is in compliance with the terms of said Ordinance.

**Section 1103. HEARINGS**

- A. All appeals, challenges, and any other applications for hearing to the Board shall be in writing on forms prescribed by the Board. Every such application for hearing shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- B. Time limitations for filing proceedings related to specific subdivision or land development proposals.
  1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
  2. The failure of anyone to appeal from a decision to approve a Tentative Plan or Preliminary Plan shall preclude appeal from Final Plan approval except in the case where the Final Plan substantially deviates from the approved Tentative Plan or Preliminary Plan.
  3. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
  4. In the case of an appeal from a preliminary opinion by the Zoning Officer, where such appeal is requested by a person other than the landowner, such appeal must be filed within thirty (30) days of the second public notice of the preliminary opinion.

- C. Public notice, as defined in this Ordinance, shall be given for all hearings, and written notice, as defined by §1103(E) below, shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance, and to any person who has made timely request for the same.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for such purpose.
- E. Written notice as required by §1103(C) shall be in the form of a letter delivered by certified mail or by hand by the Zoning Officer or his representative such that the recipient(s) shall be in possession of said letter no less than ten (10) calendar days prior to the date of the hearing.
- F. Where the hearing affects a particular tract or tracts of land, written notice of said hearing shall be conspicuously posted on the affected tract or tracts at least one (1) week prior to the hearing.
- G. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- H. The hearing shall be conducted by the Board or the Hearing Officer, as may be appointed by the Board. The decision, or, where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- I. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. Such costs shall not include legal expenses of the Board; expenses for engineering, architectural, or other technical consultants; or other expert witness costs.
- J. The Board Chairman, acting Board Chairman, or Hearing Officer shall preside over the hearing. Such presiding individual 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.

- K. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond, to present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.
- L. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded at the discretion of the individual presiding over the hearing.
- M. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer; where the hearing is an appeal from a decision of the Board, the cost shall be paid by the person appealing from such decision. In either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- N. Neither the Board nor the Hearing Officer shall communicate, directly or indirectly, with any party or representative thereof in connection with any issue involved except upon notice to all parties giving such parties opportunity to participate.
- O. Neither the Board nor the Hearing Officer shall take notice of any communication, reports, staff memoranda, or other materials (except advice from their solicitor) unless all parties are afforded an opportunity to contest the material so noticed.
- P. Neither the Board nor the Hearing Officer shall inspect the site involved or its surroundings after the commencement of hearings with any party or representative thereof unless all parties are given an opportunity to be present.
- Q. Decisions and Findings.
  - 1. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, shall make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or

denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

2. Conclusions based upon any provision of the Pennsylvania Municipalities Planning Code or upon any ordinance, rule, or regulation of the Township shall contain a reference to the provision relied upon and the reason(s) why the conclusion is deemed appropriate in the light of the facts found.
  3. If the hearing is conducted by the 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 forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.
  4. 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 working day next following the date of the decision or findings. 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 where the full decision or findings may be examined.
  5. Where the Board fails to render a decision within the period required by this Section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, then 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.
  6. 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 here above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the manner described in §1103(C) of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.
- R. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

**Section 1104. PROCEDURE FOR HEARINGS ON SUBSTANTIVE QUESTIONS**

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the Zoning Hearing Board in accordance with the provisions of §1102 of this Ordinance or to the Board of Supervisors along with a request for a Curative Amendment.
  
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map in effect in Greenwich Township or by any provision thereof, who desire to challenge the validity of such ordinance or map, shall first submit their challenge to the Board for a hearing thereon.
  
- C. Such submissions as permitted by this §1104, and only such submissions, shall be governed by the following:
  - 1. The challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge.
  
  - 2. The Board shall commence its hearing(s) within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.
  
  - 3. Public notice of the hearing, as required by §1103(B) and §1103(E) of this Ordinance, shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request may be examined by the public. Such copy of the request shall include any plans, explanatory material, or proposed amendments as provided to the Township by the challenging landowner.
  
  - 4. Based upon the testimony presented at the hearing(s), the Board shall determine whether the challenged ordinance or map is defective, as alleged by the landowner.
  
  - 5. If the challenge is found by the Board to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Board shall consider the amendments, plans, and explanatory material submitted by the landowner and shall also consider:

- a. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
  - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
  - c. The suitability of the site for the intensity of use proposed in consideration of the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources, and other natural features found on the site.
  - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources, and natural features; the degree to which these are protected or destroyed; the tolerance of the resources to development; and any adverse environmental impacts.
6. The Board shall render its decision within forty-five (45) days after the conclusion of the last hearing.
  7. If the Board fails to act upon the landowner's request within forty-five (45) days, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
  8. If the Board fails to commence the hearing(s) on a request within sixty (60) days after submission, or within such period of extension as agreed to by both the Township and the landowner, a denial of the request is deemed to have occurred on the day following the last day of such period.
- D. Where a validity challenge is sustained by the Board or the court acts finally on appeal from denial of a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for Preliminary Plan approval in accordance with the regulations of the Greenwich Township Subdivision and Land Development Ordinance. Within this two (2) year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development,

or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the sustained validity challenge.

- E. Where a proposal appended to an approved validity challenge does not require further application under the Greenwich Township Subdivision and Land Development Ordinance, the developer shall have one (1) year from the date of such approval within which to file for a building permit. Within this one (1) year period, no subsequent change or amendment in the Zoning Subdivision and Land Development, or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the sustained validity challenge.
- F. Nothing in this Section shall be interpreted to preclude a landowner from first seeking a Final Plan approval prior to submission of a challenge.

**Section 1105. STAY OF PROCEEDINGS**

- A. Upon filing of any proceeding described in this Article and during its pendency before the Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction over zoning appeals. Such restraining order shall be granted only upon petition and after notice of such petition has been given to the Zoning Officer or other appropriate agency or body.
- B. When Preliminary Plan approval or Final Plan approval for a subdivision or land development has been granted, and proceedings designed to reverse or limit such approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition of continuing the proceedings before the Board.
- C. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous.

After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond.

- D. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- E. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- F. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

**Section 1106. APPEALS TO COURT**

Appeals from decisions of the Zoning Hearing Board may be made by any aggrieved party to a court of competent jurisdiction, as provided for in the Pennsylvania Municipalities Planning Code.



## ARTICLE XII

### ENACTMENT

#### **Section 1201. SEVERABILITY**

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

#### **Section 1202. CONFLICT AND REPEALER**

- A. It is not the intent of this Ordinance to interfere with, abrogate, or annul any rules or regulations previously issued by the Township, provided the same are not in conflict with any provision of this Ordinance, nor is it the intent of the Ordinance to interfere with, abrogate, or annul any easement, covenant, building restriction, or any other agreement between or among private parties.
- B. Where this Ordinance imposes greater restrictions than those of any other ordinance, regulation, private agreement, or any other less restrictive provision of this Ordinance, the more restrictive provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.
- C. All ordinances, resolutions, regulations, or any parts of such which are inconsistent with the regulations of this Zoning Ordinance are hereby repealed to the extent of such inconsistency.

#### **Section 1203. WARNING AND DISCLAIMER**

This Zoning Ordinance shall not create liability on the part of Greenwich Township or on any officer or employee thereof for any damages that result from reliance on the Ordinance or any administrative decision lawfully made pursuant to the provisions hereof.

#### **Section 1204. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after the date of enactment.