

# **EAST BETHLEHEM TOWNSHIP**

## **ZONING**

## **ORDINANCE**

ADOPTED  
MARCH 9, 2016

**EAST BETHLEHEM TOWNSHIP  
ZONING ORDINANCE  
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# East Bethlehem Township

## Zoning Ordinance

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### Chapter 1

#### General Provisions

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##### A TITLES

(1) Long Title

Municipal Zoning Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of East Bethlehem Township.

(2) Short Title

This Ordinance shall be known as and may be cited as the "East Bethlehem Township Zoning Ordinance" as amended from time to time and the district map shall be known and may be cited as the "East Bethlehem Township Zoning Map".

##### B AUTHORITY AND APPLICABILITY

This Ordinance is enacted by virtue of the authority granted to East Bethlehem Township by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

##### C PURPOSE

- (1) This Ordinance is enacted to promote, protect, and facilitate any or all of the following: the health, safety, and general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provisions of adequate light and air, access to solar energy; police protection; vehicle parking and loading space; transportation; schools; recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

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- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

### **D COMMUNITY DEVELOPMENT OBJECTIVES**

- (1) This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the East Bethlehem Township Comprehensive Plan. The comprehensive plan includes data on existing conditions with reasonable consideration given to the existing character of the various areas within the municipalities and their respective suitability to particular land uses.
- (2) Specifically, it seeks to achieve the following Community Development Objectives:
  - (a) Ensure that all municipal ordinances are consistent with the Comprehensive Plan
  - (b) Improve mobility throughout the Township by enhancing major transportation routes, increasing transportation options, and offering a safe pedestrian and bicycle network
  - (c) Foster reinvestment and new investment opportunities in all neighborhoods throughout the Township
  - (d) Capitalize on existing and future economic development activities to grow the local tax base
  - (e) Preserve and protect important recreational, historic, and natural resources
  - (f) Build upon municipal services and partnerships in order to achieve fiscal savings

### **E INTERPRETATION**

- (1) This interpretation and application of the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
  - (a) Whenever any regulations made under authority of this Ordinance impose higher standards of compliance than are required under the provisions of any other statute, the provisions of the regulations made under authority of this Ordinance shall govern, except when preempted by Federal or Commonwealth of Pennsylvania law.
  - (b) Whenever the provisions of any other statute impose higher standards of compliance than are required under this Ordinance, the provisions of the other statute shall govern.

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- (c) This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or implied repealed by this Ordinance or any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.
- (d) Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for East Bethlehem Township shall not be considered to be in conflict with provisions of this Ordinance.

### **F USES FOR WHICH NO PROVISION IS MADE**

Uses that are not specifically listed in Chapter 3 shall be permitted by conditional use in the same zoning district in which similar specifically listed use is permitted. The Township Board of Commissioners shall make findings with regards to the similarity of the uses.

### **G COMPLIANCE**

- (1) In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this ordinance.
- (2) No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

### **H SEVERABILITY**

- (1) It is hereby declared to be the intent of the East Bethlehem Township Board of Commissioners that:

If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the dispute and the application of any such provision to other persons, property, or situations shall not be affected.

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### **I REPEALER**

Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

### **J EFFECTIVE DATE**

This Ordinance shall take effect immediately upon enactment by the East Bethlehem Township Board of Commissioners.

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## Chapter 2

### Definitions

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#### **A INTERPRETATION OF WORDS**

- (1) Words used in the present tense shall include the future tense.
- (2) Words used in the singular shall include the plural, and the plural shall include the singular.
- (3) The words “shall” and “will” are always mandatory and not discretionary.
- (4) The word “may” is permissive.
- (5) The masculine shall include the feminine and the neuter.
- (6) The words “used” or “occupied” as applied to any land, water, or building shall be construed to include the words “intended”, “arranged”, “designed”, or “to be used or occupied.”
- (7) The word “building” shall include the word “structure” and shall be construed as if followed by the phrase “or part thereof.”
- (8) The word “erected” shall include the word “constructed.”
- (9) The word “moved” shall include the word “relocated.”
- (10) The word “person,” “applicant,” or “developer” includes an individual, corporation, partnership, unincorporated association, or any other similar entity.
- (11) If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustrations, the text shall control.

#### **B MEANING OF WORDS**

- (1) Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated.
- (2) When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning such as the context may apply.

#### **C DEFINITIONS**

**ABANDONED VEHICLE:** Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

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**ABANDONMENT:** To cease or discontinue a use or activity without the intent to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. This does not apply to temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever comes first, and residential abandonment shall be measured from the last date of occupancy.

**ACCESS:** A dust free improved way to permit vehicular access to a building, structure, land, or water area from the public street.

**ACCESS DRIVE:** The principal means of access into all off-street parking areas and the principal means of access to any non-residential use or multi-family residential use, including the principal means of access to loading and unloading areas.

**ACCESSORY USE:** A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

**ADA:** Americans with Disabilities Act of 1990, as amended.

**ADULT-ORIENTED ESTABLISHMENT:** The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other similar term. Any and all of these uses are considered an Adult Oriented Establishment. The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the



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tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

**AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes any enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

**ALLEY, LANE, OR WAY:** A service road that provides secondary means of through access to lots.

**ALTERATION:** As applied to a building or structure any incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Any change in use from that of one zoning district classification to another.

**AMPHITHEATER:** An outside gallery with seats for spectators.

**ANIMAL DAY CARE:** Any premises where animals are groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

**ANIMAL HOSPITAL / VETERINARY CLINIC:** A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

**ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ANETENNA SUPPORT STRUCTURE:** Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

**APPLICANT:** A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

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**APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development including, but not limited to an application for a building permit for the approval of a subdivision plan or for the approval of a development plan.

**ARCHITECT:** An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

**AUTO / BOAT SALES:** An establishment for the sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats. Typical uses include new and used car dealerships, motorcycle dealerships, boat, trailer and recreational vehicle dealerships with or without repair and/or maintenance services.

**AUTOMOBILE CAR WASH:** Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

**AUTOMOTIVE REPAIR:** Engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

**BANK:** An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

**BASEMENT:** A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground.

**BED AND BREAKFAST INN:** A residential accessory use consisting of a single family dwelling that contains not more than ten (10) guest bedrooms used for providing overnight accommodations to the public, not to exceed ten (10) consecutive days, and in which breakfast is the only meal served and is included in the charge for the room. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units.

**BOARDING HOUSE:** A residential use in which, (a) a room or rooms that do not meet the definition in this Ordinance of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit that includes greater than the permitted maximum number of related persons. A boarding

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house shall not include a use that meets the definition of a hotel / motel, assisted living facility, bed and breakfast inn, group home or nursing home. A boarding house may involve the providing of meals to residents. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days. A boarding house can also be a rooming house and tourist home.

**BOAT STORAGE:** An enclosed building or separate structure used to store boats. This does not include outdoor storage.

**BOAT AND MARINE SALES AND SERVICES:** Any building or lot used for the sale, maintenance, servicing, repair, or painting of boats or other related watercraft.

**BUFFER AREA:** A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

**BUILDABLE AREA:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**BUILDING:** An independent and detached structure having a roof supported by columns or walls or resting on its own foundation, including but not limited to mobile homes, garages, greenhouses and other accessory buildings, and requiring permanent location on the land.

1. Building, Principal - A building in which the principal use of the site is conducted or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.
2. Building, Accessory – A detached building that is subordinate and incidental to the principal building on the same lot or premises.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR:** The person officially appointed by the East Bethlehem Township Board of Commissioners to administer and enforce the Building Code.

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**BUILDING MATERIAL FACILITY:** A retail facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials.

**BUILDING SETBACK LINE:** An established line within a property defining the minimum required distance between the face of any building or structure and an adjacent right-of-way or property line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines.

**BUS AND TRANSIT FACILITIES:** A facility including terminals; depots; and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

**BUS / OTHER TRANSIT SHELTER:** A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload that includes a covered structure.

**BUSINESS SERVICES:** Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar business services.

**CAMPGROUND:** A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles open to the public for free or for a fee.

**CANOPY:** A roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

**CARPORT:** An area for the storage of one (1) or more vehicles which may be covered by a roof supported by columns or posts and which shall have no more than two (2) walls. A carport is an

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accessory building or extension to a principal building and shall not extend into the side yards or front yards.

**CARTWAY:** That portion of the street right-of-way surfaced for vehicular use. Width is determined from one (1) edge of driving surface to the other edge of driving surface and shall not include the storm water gutter or face of curb.

**CATERING BUSINESS:** An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

**CELL SITE:** A tract or parcel of land that contains the communication antenna, its support structure, accessory building(s) and parking, and may include other uses associated with, and ancillary to, cellular communication transmission.

**CEMETERY:** An area used, or intended to be used, for the burial of the deceased. Uses include cemeteries, columbaries, and mausoleums, and limited associated facilities such as offices and chapels.

**CENTERLINE:** An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

**CHURCH / PLACE OF WORSHIP / RELIGIOUS INSTITUTION:** A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

**CLINIC:** An establishment with outpatient care for patients who are ambulatory including but not limited to diagnostic health services, general medical or psychiatric treatment and surgical services.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at a street intersection defined by lines of sight between specific points on the center lines of the intersecting streets.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water suitable for recreational purposes or a combination of such land and water within a development site designed and intended for the use or enjoyment of residents or occupants of the development maintained and owned jointly or commonly by the residents or occupants of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space

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shall be substantially free of structures, but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

**COMMUNICATION ANTENNA:** Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

**COMMUNICATIONS CO-LOCATION:** The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (250') square feet.

**COMMUNICATIONS TOWER:** A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications.

**COMMUNICATIONS TOWER HEIGHT:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**COMMUNITY DAY CARE FACILITY, ADULT:** A facility other than a residential dwelling unit, where care and educational instructions are provided for seven (7) or more adults over the age of 62 who are not relatives of the operator, at any one time for part of a 24 hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

**COMMUNITY DAY CARE FACILITY, CHILD:** A facility, other than a residential dwelling unit, where child care and educational instructions are provided for seven (7) or more children under the age of 16 who are not relatives of the operator, at any one time for part of a 24 hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

**COMMUNITY FACILITY:** A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities

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provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

**COMMUNITY GARAGE:** An accessory use comprised of a group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

**COMPREHENSIVE PLAN:** The current adopted public document for East Bethlehem Township, Washington County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality.

**COMPRESSOR STATION:** A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well or collection of such wells operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

**CONDITIONAL USE:** A use permitted or denied by the governing body in a particular zoning district, following study and recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this chapter.

**CONSISTENCY:** an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

**CONSTRUCTION AND BUILDING RELATED TRADES:** Businesses relating to the building trades including: general contractors; highway and street construction; heavy construction; plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; masonry and other stonework; carpentry and flooring; roofing and sheet metal; concrete work; water well drilling; and similar trades.

**CONTINUING CARE FACILITY:** A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, containing two or more of the following services: assisted living facility; home and community based services facility; senior housing; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; or skilled nursing facility.

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**CONVENIENCE STORE:** A retail establishment with a sales area of five thousand (5,000) square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. Convenience Store(s) without accessory use of sale of liquefied petroleum gas and/or gasoline (including diesel and alternative fuels) shall be defined as Retail Stores.

**CONVERSION:** The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

**COUNTY:** Washington County, Pennsylvania.

**COUNTY COMPREHENSIVE PLAN:** A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

**COVENANT:** An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

**COVERAGE:** That percentage of the lot area covered by the principal and accessory structures.

**CUL-DE-SAC:** A street closed at one end with a vehicular turn around provided at the closed end.

**CUT:** The extraction of previously undisturbed earth material in the process of grading.

**DENSITY:** A measure of the number of dwelling units which occupy, or may occupy, an area of land.

**DENSITY, GROSS RESIDENTIAL (ALSO GROSS DENSITY):** The maximum permitted number of dwelling units in relation to total development acreage actually in use or proposed to be used.



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This area of land shall exclude public rights-of-ways whether within or adjacent but shall include parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces. See “Lot,” and “Development Area.”

**DEVELOPMENT:** Any man-made change to improved or unimproved lands or water area, including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DEVELOPER-** any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DISTRIBUTION CENTER:** Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

**DOCK:** A permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term “dock” also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term “dock” also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored. A public dock is considered as one controlled and maintained by a governing body or authority for use by the general public and private dock is considered such if controlled by a private entity with restricted use or open for use for a monetary fee.

**DRIVE-THRU FACILITY:** An accessory use of land, buildings, or structures, or parts thereof, to provide or dispense products or services through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. An ancillary drive-thru facility may be permitted only as an accessory use, i.e. in combination with other uses that can include, but are not limited to, a bank or financial institution, fast food restaurant, retail store, dry cleaners, laundry, or pharmacy. A drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”

**DRIVEWAYS:** The principal means of access to a single-family detached residential dwelling and to parking areas.

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**DRY CLEANER:** An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

**DWELLING:** A permanent building or portion thereof affixed to land, designed exclusively for residential purposes for one or more persons on a permanent basis. The word “dwelling” shall not include group residential facility, hotels, motels, boarding houses, nursing homes, rooming house, tourist home. For the purposes of this Ordinance, the following are the definitions of the various types of dwellings:

- (1) **DWELLING, SINGLE FAMILY DETACHED:** A detached or separate building designed for or occupied exclusively as a residence for one (1) family.
- (2) **DWELLING, SINGLE FAMILY ATTACHED:** A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas.
- (3) **DWELLING, MULTI-FAMILY:** A structure containing three (3) or more separate dwelling units for families living independently of each other, which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities.
  - (a) **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 1963 or the Pennsylvania Uniform Condominium Act.
  - (b) **CONVERSION APARTMENT:** Conversion of an existing single-family detached dwelling into multiple dwelling units. *See definition for Conversion.*
  - (c) **DUPLEX:** A detached or separate building designed for or occupied exclusively by two (2) families living independently of each other, with separate entrances and facilities.
  - (d) **GARDEN APARTMENT:** A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external entrances or common hall access and which may have a private exterior yard area for each unit.
  - (e) **MID-RISE APARTMENT:** An apartment building which is not more than three (3) stories in height that has multiple dwelling units that share a common entrance and / or common interior corridor.
  - (f) **RESIDENCE OVER BUSINESS:** A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

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**DWELLING UNIT:** Any structure or portion thereof which is designed and used exclusively for the residential purposes of one (1) family and includes a minimum of three (3) habitable rooms and a bathroom, has separate and private cooking and sanitary facilities, and has a separate entrance from the exterior. A Studio Apartment unit shall be a dwelling unit in all respects except that said unit may contain a minimum of one (1) habitable rooms and a bathroom, has separate and private cooking and sanitary facilities, and has a separate entrance from the exterior.

**EASEMENT:** A public or private right of use over the property of another.

- (1) Conservation Easement – An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.
- (2) Utility Easement – A right-of-way granted for limited use of land for public or quasi-public purpose.

**EDUCATIONAL INSTITUTION:** A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults.

**EMERGENCY SERVICES:** An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services.

**ENERGY STORAGE FACILITY:** Equipment consisting of containers, heat, exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**ENGINEER:** A professional engineer licensed as such by the Commonwealth of Pennsylvania.

**EQUIPMENT SALES, RENTAL AND SERVICE:** A business providing typical household tools and lawn / garden equipment for sale, repair (such as sharpening, or the repair of small motors or engines) or rental; including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

**ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for building. Excavation, filling, drainage, grading, and the like shall be considered part of the erection.

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**ESSENTIAL PUBLIC SERVICE INSTALLATIONS:** The erection, construction, alteration, or maintenance by public utilities, cable television, or governmental agencies or authorities of underground or overhead water, sanitary, or storm sewers, gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate service to buildings and structures. This includes communications antenna and / or supporting tower owned or operated exclusively by an agency or authority of the municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

**EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any resulting conditions.

**EXTRACTIVE OPERATIONS:** Surface mining of coal, earth removal, stone removal or quarrying and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents are removed as a business activity.

**FAIR HOUSING ACT:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

**FAMILY:** An individual; two (2) or more persons related by blood, marriage or adoption; or not more than three unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 USC § 3601 et seq.

**FAMILY DAY CARE HOME (ADULT):** Any single family residence, other than the adult's own home, in which day care is provided at any time for six (6) or less adults who are not relatives to the care giver where the adult care areas are not being used as a family residence.

**FAMILY DAY CARE HOME (CHILD):** Any single family residence, other than the child's own home, in which child day care is provided at any time for six (6) or less children who are not relatives to the care giver where the child care areas are not being used as a family residence.

**FARMER'S MARKET:** A regularly occurring (weekly, biweekly, monthly, bimonthly, semi-annually, annually, etc.) and seasonal commercial use with an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall comprise at least 75% of the retail space available and may or may not be produced and / or

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grown on the property. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, may comprise the remaining twenty-five percent (25%) of the retail space available.

**FENCE:** A barrier constructed for the purpose of protection, confinement, enclosure, or privacy. The term “fence” shall include screening walls and shall include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height.

1. **Decorative Fence** – A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.
2. **Security Fence** – A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.
3. **Privacy Fence** – A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

**FILL:** Material, usually soil, used to raise or change the surface contour of an area, to construct an embankment or to be placed within a stone or concrete arch bridge.

**FISHING PIER:** A platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish there from. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier; or, a raised walkway over water, supported by widely spread piles or pillars built for the purpose of providing land locked anglers access to fishing grounds that are otherwise inaccessible.

**FLEA MARKET:** A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term “flea market” does not include the offering for sale of goods by the owner thereof at owner’s residence at what are commonly referred to as “garage sales” or “yard sales.”

**FLOOD:** A temporary inundation of normally dry land areas.

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**FLOOD INSURANCE RATE MAP (FIRM):** A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

**FLOOD PLAIN, FLOOD HAZARD AREA, FLOOD-PRONE AREA:** A land area adjoining a river, stream, water body, or water course which is likely to be flooded as established by the Federal Emergency Management Agency (FEMA).

**FLOOR AREA:** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. In particular, floor area includes but is not limited to the following:

1. Basement space, if the floor to ceiling measures seven feet (7') or more.
2. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight (8') feet or more.
3. Roofed terraces, exterior balconies, breezeways or porches, provided that fifty percent (50%) of the perimeter of these is enclosed.
4. Any other floor space used for dwelling purposes, no matter where located within a building.
5. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
6. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

**FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**FLOOR AREA RATIO (FAR):** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

**FOOD AND GROCERY STORE:** A store that sells bakery products, dairy products, delicatessen, and meats, as well as non-perishable items, to the public; this does not include convenience stores.

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

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**FOREST MANAGEMENT OPERATIONS:** All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

**FOUNDATION, PERMANENT:** A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

**FREIGHT TERMINAL:** The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

**FRONTAGE:** Lot boundary lines that are adjacent to a street.

**FRONT BUILDING LINE:** A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line.

**FRONT YARD:** The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

**FUEL DISEPENSER:** A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

**FUEL ISLAND:** A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

**FUELING POSITION:** A location at which a single vehicle may be fueled from a fuel dispenser.

**FUNERAL HOME (INCLUDING MORTUARY):** A building or part thereof used exclusively for human burial services, but shall not include facilities for cremation. Such building may contain space and facilities for:

- 1 Embalming and the performance of other services used in the preparation of the dead for burial,
- 2 The performances of autopsies and other surgical procedures

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- 3 The storage of caskets, funeral urns, and other related funeral supplies, and
- 4 The storage of funeral vehicles.

**GARAGE, COMMUNITY:** An accessory use comprised of a group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

**GARAGE, PRIVATE:** An enclosed and covered space for the use of the occupants of the premises for the storage of one (1) or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein, for more than one (1) car, is leased to a nonresident of the premises.

**GARAGE, PUBLIC:** A building or structure where motor vehicles can be temporarily parked for a fee.

**GARAGE / YARD SALE:** A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation.

**GARDEN CENTER:** Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

**GAS STATION:** Any premises used for supplying gasoline, oil, minor accessories, and service for automobiles at retail, direct to the motorist consumer, including the making of minor repairs, but not including major repairs: such as spray painting; body, fender, and frame repairs; or complete recapping/retreading of tires.

**GENERAL CONSISTENCY, GENERALLY CONSISTENT:** that which exhibits consistency.



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**GOVERNING BODY:** Board of Commissioners, East Bethlehem Township, Washington County, Pennsylvania.

**GRADE, ESTABLISHING:** The elevation of the center line of the streets as officially established by East Bethlehem Township.

**GRADE, FINISHED:** The completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs relating thereto.

**GRADING:** The stripping or excavation of any material, the filling of any existing ground with natural or man-made material, and/or the relocation on any lot, tract or parcel of any existing ground or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

**GREENHOUSE, COMMERCIAL:** An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

**GREENHOUSE, PRIVATE:** A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings and does not exceed two hundred-fifty (250) square feet.

**GROUP RESIDENTIAL FACILITY:** An establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration but who, because of age, convalescence, infirmity, disability or related circumstances, require such care. "Group residential facilities" include but are not limited to group homes, group quarters, halfway houses, nursing homes, rest homes, or similar services; however, the scope of all operations shall be of a limited nature as specified in this Ordinance.

**GUYED TOWER:** A tower which is supported by a cable, wire, rope, or other means of bracing.

**HEALTH CLUB:** Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in

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athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

**HEIGHT:** For the purpose of determining the height limits in all zones set forth in Chapter 3 and shown on the maps incorporated therein, the datum shall be mean sea level elevation unless otherwise specified.

**HOME-BASED BUSINESS, NO IMPACT:** 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. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. 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.
6. 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.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

**HOME OCCUPATION:** A use or a service conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character thereof.

**HOSPITAL:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related

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facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

**HOTEL / MOTEL / LODGE / INN:** A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten (10) persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

**ILLUMINATION: DIFFUSED LIGHT:** Any light which travels through a shield or material other than the bulb or tubing necessary to enclose the light source, which shield or which material has the effect of dispersing the light before it strikes the eye of the viewer.

**ILLUMINATION: DIRECT LIGHT:** Any light which travels directly from its source to the viewer's eye. Includes flood lighting.

**ILLUMINATION: INDIRECT OR REFLECTED LIGHT:** Any light which proceeds from its source to an intermediate object before being seen by the viewer (i.e. reflected off a wall surface).

**IMPERVIOUS SURFACE:** Those surfaces which do not absorb water. They consist of all buildings, parking lots, streets, sidewalks, and any areas of concrete or asphalt or nonabsorbent material. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

**IMPERVIOUS SURFACE RATIO:** This is also the "maximum impervious coverage" and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

**INCINERATOR:** A device used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

**INDUSTRIAL PARK:** An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

**JOB TRAINING AND VOCATIONAL REHABILITATION SERVICES:** An establishment providing rehabilitation training, habilitation services or job counseling and related services.

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**JUNK:** Any worn, cast-off, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such second hand article or material shall not be considered junk if unaltered or unchanged, and without need of further reconditioning or disassembly it can be used for its original purpose as readily as when new.

**JUNKYARD:** The use of more than one hundred (100) square feet of area of any lot for more than seven (7) continuing days for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles, or other vehicles or machinery or parts thereof. A “junkyard” shall include an automobile graveyard or motor vehicle graveyard. A junkyard is subject to the requirements of this Ordinance.

**KENNEL:** A use of land or structures in combination wherein six or more domestic animals or pets six months or older are housed, groomed, bred, trained and/or boarded with or without compensation.

**LABORATORY:** A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

**LAND DEVELOPMENT:** any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with the Municipalities Planning Code, Section 503(1.1)

**LANDFILL:** A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

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**LANDOWNER:** the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LANDSCAPE ARCHITECT:** A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

**LANDSCAPING:** Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

**LAUNDROMAT:** A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

**LIBRARY:** Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

**LIGHTING:** See "Illumination."

**LINE, STREET:** The dividing line between the street and the lot, also known as the right-of-way line.

**LOADING/UNLOADING FACILITIES:** The total composite of all off-street structures and facilities for a loading/unloading area to include but not be limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.

**LOADING AND UNLOADING SPACE:** A space not less than twelve (12) feet wide and fifty-five (55) feet deep with an overhead clearance of fourteen (14) feet six (6) inches plus an additional thirty (30) feet in depth for a docking approach. This space may be inside, enclosed, or outside of a structure and shall be used exclusively for the temporary standing of a motorized vehicle while loading or unloading merchandise or materials. This space shall be located off or beyond the public right-of-way and shall have direct access to a public street without the use of parking aisles. This space shall be on the same lot with a use or structure of which the loading/unloading space is being provided.

**LOCAL STREET:** See "Street."

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

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- (1) Lot, Corner – A lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.
  - (2) Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street from the buildable area of the lot which lies behind another property which fronts on the public street.
  - (3) Lot, Interior – A lot where the side property lines do not abut a street.
  - (4) Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

**LOT AREA:** The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines as measured from the street right-of-way line and not including any part of an alley, public space or public street.

**LOT DEPTH:** The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

**LOT LINE, EXTERIOR:** Any property line that divides said lot from a public right-of-way.

**LOT LINE, FRONT:** The line contiguous with the street right-of-way line.

**LOT LINE, INTERIOR:** Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.

**LOT LINE, REAR:** The line, generally parallel to the front lot line, which defines the rear of the lot.

**LOT LINE, SIDE:** Any lot line which is not a front lot line or a rear lot line.

**LOT OF RECORD:** A lot that has been recorded in the Office of the Recorder of Deeds.

**LOT WIDTH:** The horizontal distance across the lot between the side lot lines.

**LUMBERYARD:** The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

**MANUFACTURING, HEAVY:** Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs or products that due to the nature of the

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materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

**MANUFACTURING, LIGHT:** The processing, handling or fabrication of materials and products where no processes are involved which will produce noise, vibration, air pollution, fire hazard, noxious emission, high traffic volumes or other factors which will disturb or endanger neighboring properties.

**MARINA:** A docking and servicing facility for boats and equipped to provide repair service, gassing, and supplies.

**MASSAGE THERAPY BUSINESS:** An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

**MAXIMUM LOT COVERAGE:** The greatest percent of total lot area permitted by this Ordinance to be covered or to contain buildings and structures.

**METHADONE TREATMENT CENTER:** A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

**MECHANICAL EQUIPMENT:** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

**MINERAL:** Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINERAL EXTRACTION:** All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand, and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

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**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.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MPC:** The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

**MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945."

**MUNICIPAL USE:** A structure or use owned and operated by the municipality and used for the purpose of, or in affiliation with, municipal operations or affairs.

**MUNICIPAL WASTE:** Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and community activities; but shall not include any sludge or hazardous waste from a municipal, commercial or institutional water supply treatment plant, sewage treatment plant or air pollution control facility.

**MUNICIPAL WASTE LANDFILL:** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

**NATURAL GAS EXTRACTION:** All or part of the process involved in the extraction and processing of natural gas, petroleum, or other liquid related to oil or gas production or storage, including brine disposal.



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**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of this ordinance.

**NIGHTCLUB:** A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

**NONCONFORMING LOT:** A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE:** A structure or a part of a structure which lawfully existed prior to the enactment of this Ordinance or its amendment (s) but which does not comply with the regulations of this Ordinance or its amendment(s).

**NONCONFORMING USE:** A use, whether of land, water body, or structure which was lawfully in existence prior to the enactment of this Ordinance or its amendment(s) but which does not comply with the regulations of this Ordinance or its amendment(s).

**NURSING HOME AND PERSONAL HEALTH CARE FACILITIES:** An establishment engaged in providing inpatient nursing and health related personal care with at least one shift of licensed or registered nurse(s) excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

**OCCUPANCY PERMIT:** A permit signed by the Zoning Officer setting forth that a building, structure or parcel of land is in compliance with this Ordinance and may lawfully be occupied or employed for specified uses.

**OFFICE:** An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

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**OUT PARCEL:** A lot, tract, or land parcel within an area of development, but not presently planned or proposed for development. An application for a permit may exclude an area or out parcel and said area or out parcel will not be reviewed unless said area or out parcel will affect the overall development plan. If ever the out parcel is planned or proposed for development, a separate application for a permit shall be processed.

**PARCEL DELIVERY FACILITY:** Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

**PARKING FACILITIES:** The total composite of all off-street structures and facilities for a parking area to include but not limited to parking space(s), parking aisles, stand-by/stacking lanes, driveways, access drive(s), and all related accessory facilities.

**PARKING LOT:** An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

**PARKING SPACE:** An off-street space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, alley, or aisle.

**PATIO/DECK:** An uncovered outdoor living area, without roof.

**PERMITTED USE:** A use by right which is specifically authorized in a particular zoning district.

**PERSON:** Any individual, public or private corporation, governmental agency, bureau or department of the state, municipal industry, co-partnership or association.

**PERSONAL AND BUSINESS SERVICE:** A commercial establishment providing services and/or goods to individuals and businesses. This includes but is not limited to barber shops, beauty salons, dressmakers and seamstresses, tailoring, dry cleaner (as defined herein), massage therapy business (as defined herein), shoe repair, and similar such establishments.

**PERSONAL CARE FACILITY:** A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and

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qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

**PET SHOP:** A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

**PHARMACY:** A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

**PHOTOGRAPHY STUDIO:** A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

**PLANTING STRIP:** A landscape area attractively maintained and clear of foreign debris. The type and variety of landscaping material shall be approved by the Township.

**PLAT:** the map or plan of a subdivision or land development, whether preliminary or final.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required common open space to the regulations established in any one zoning district created, from time to time, under the provisions of this Ordinance.

**PLANNING COMMISSION:** The Planning Commission of East Bethlehem Township, Washington County, Pennsylvania.

**PORCH:** A roofed over structure projecting from the front, side, or rear wall of a building.

**PREMISES:** Any lot, parcel, or tract of land or body of water and any building constructed thereon.

**PRINCIPAL USE:** The major dominant use of the lot on which it is located. Principal uses permitted shall be as defined within this Ordinance.

**PRINTING AND PUBLISHING SERVICES:** A business use which specializes in the production of books, magazines, newspapers and other printed matter, as well as record pressing and publishing.

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**PRIVATE CLUB OR LODGE:** An organization catering exclusively to members and their guests at premises for social, recreational or athletic purposes which are not conducted primarily for gain, provided that any merchandising or commercial activities are conducted only as required generally for the membership of such organization.

**PROFESSIONAL OFFICE:** An office or business conducted by an individual or association dealing with medicine, law, accounting, real estate, architecture, engineering, finance or related services, or engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

**PUBLIC HEARING:** A meeting open to the general public held pursuant to the Pennsylvania Municipalities Planning Code (MPC).

**PUBLIC LANDS:** Lands owned by the Township, County, State, or Federal Government, their Agencies or Authorities.

**PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

**PUBLIC NOTICE:** Public notices as defined and published pursuant to the Pennsylvania Township Code, Section 1601 (a) *et. seq.*, and the Pennsylvania Municipalities Planning Code.

**PUBLIC RIGHT-OF-WAY:** Land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

**PUBLIC USES:** Includes only governmentally owned and operated uses.

**PUBLIC UTILITY:** An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

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**PUBLIC UTILITY FACILITY:** a facility operated by a privately-owned company to provide public utility service.

**RECREATION, MUNICIPAL:** Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

**RECREATION, COMMERCIAL INDOOR:** Indoor facilities for leisure-time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership; includes indoor theaters, lodges, fraternal organizations, bowling alleys and indoor skating facilities.

**RECREATION, COMMERCIAL OUTDOOR:** Outdoor facilities for leisure-time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership; includes swimming pools, tennis courts, riding stables, drive-in theaters and golf courses.

**RECREATION, PRIVATE:** Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

**RECREATIONAL VEHICLE:** A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

**RECYCLING CENTER:** A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reuseable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**RENEWABLE ENERGY SOURCE:** Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and

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hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**REPAIR SHOP:** A shop specializing in repair and maintenance of metals, machinery, tools, or equipment, including custom work. Such shops shall not handle any hazardous materials or waste.

**RESEARCH AND DEVELOPMENT:** A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

**RESTAURANT:** Any establishment whose principal business is the sale of food or beverages.

**RESTAURANT, FAST FOOD:** A restaurant that provides the sale of food or beverages to the customer in a ready-to-consume state, either at seating facilities within the restaurant or carry-out consumption off the premises, and whose method of operation includes the serving of food in edible or disposable containers.

**RESTAURANT, CARRY-OUT:** An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

**RESTAURANT, FULL SERVICE:** A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu.

**REFUSE AND WASTE COLLECTION AREAS:** Visually screened areas for the collection of organic and nonorganic refuse and wastes not to exceed one hundred (100) square feet in area and not used for the storage or disposal of organic or nonorganic refuse, waste, or scrap materials beyond seven (7) days.

**RETAIL USES:** A use wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores and pharmacies; newsstands; food stores and supermarkets; candy shops; dry goods; clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, lumberyards, and garden centers; home furnishings and household appliance and electronics stores; small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

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**RIGHT-OF-WAY:** Land reserved for use as a street, alley, interior walk or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds office. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public “right-of-way.” When a lot abuts a “right-of-way” of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

**ROADSIDE STAND:** A building or open air market used for the seasonal retail sale of agricultural products.

**SCHOOL, PUBLIC OR PRIVATE, PRIMARY OR SECONDARY:** An establishment providing formal academic education at the kindergarten, elementary, or secondary levels.

**SCREEN (BUFFER) PLANTING:** A vegetative evergreen material of sufficient height and density to buffer the view of the occupants of an adjoining use from the structures and uses on the premises on which the screen planting is located.

**SELF-STORAGE FACILITY:** An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

**SETBACK:** The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot.

**SEWAGE TREATMENT PLANT:** A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

**SHOPPING CENTER:** A group of commercial establishments planned and developed as a unit.

**SIGN:** Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

1. **SIGN: ARCHED:** Any sign so designed that the face, or that area displaying the written or pictorial information, is of a curved shape which extends above a driveway or private road and which is attached to permanent supports at both extremities.

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2. SIGN: BANNER: A temporary sign constructed of cloth, canvas, or similar fabric materials, and which is attached at both extremities to poles, standards, or other permanent supports.
3. SIGN: BILLBOARD: A structure, building wall or other outdoor surface which may be free-standing or attached and is used to display lettered, pictorial, sculptured or other matter which directs attention to any product, announcement, commodity, person, or service offered somewhere other than on the premises.
4. SIGN: BUSINESS IDENTIFICATION: Any sign which directs attention to: a business, profession, or industry located upon premises where such sign is displayed; a type of product sold, manufactured, or assembled upon the premises; and a service or entertainment offered on said premises.
5. SIGN: FACE: The entire area upon which pictorial, graphic or written material or information is placed for viewing in a single direction.
6. SIGN: FLASHING: Any illuminated sign or device in which the artificial light is not maintained stationary and/or constant in intensity and color at all times.
7. SIGN: GROSS SURFACE AREA: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate sign from the background against which it is placed; excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of this sign. Where any sign has two (2) or more faces, the combined area of all faces shall be used in determining the total gross surface area permitted.
8. SIGN: IDENTIFICATION: Any sign used to identify only the name or use of a public or non-profit facility occupying the premises upon which such sign is displayed.
9. SIGN: LIGHTED: A diffused or indirect. sign where the illumination See "Illumination."
10. SIGN: MOVING: Any sign or any part thereof located on said sign which oscillates, rotates, or moves.
11. SIGN: NAMEPLATE: Any sign used to identify only the name of the individual(s) occupying the premises upon which such sign is located, and the street number of the occupant(s).
12. SIGN: OVERHEAD: Any sign which projects beyond the building face and uses the building wall and/or roof as its main source of support and which has two (2) faces visible from outside the building.
13. SIGN: PERMANENT: Any sign which is constructed or erected with a fixed and unchanging location either on the ground or attached to a building or other supporting structure.



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14. SIGN: PORTABLE: Any sign that is not permanently affixed to a building, structure, or the ground and which is designed and constructed so that it may be moved from one location to another.
15. SIGN: REAL ESTATE: Any sign pertaining only to the rental or sale of the property upon which said sign is located.
16. SIGN: SELF-SUPPORTING: Any sign mounted on its own self-supporting structure and constructed on a permanent base.
17. SIGN: TEMPORARY: Any informational or advertising sign, banner, or other. Display device constructed of cloth, canvas, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display as further specified by the terms of this Ordinance.
18. SIGN: WALL-MOUNTED: Any sign mounted, attached, or painted on a building having only one face visible from outside the building.

**SIGN-STRUCTURE:** A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

**SKILLED NURSING FACILITY:** A facility licensed by the Commonwealth that provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but whom, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care.

**SLOPE:** The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

**SOCIAL SERVICES:** An establishment providing one or more social services for an individual or a family limited to counseling, referral, temporary or disaster relief or welfare service.

**SOLAR COLLECTOR:** A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

**SOLAR ENERGY:** Radiant energy (direct, diffuse and reflected) received from the sun.

**SOLAR ENERGY COLLECTION SYSTEM:** An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

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**SOLAR GLARE:** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**SPECIAL EXCEPTION:** A special exception is a permission or approval granted to an applicant to use land in a district for a purpose other than that generally permitted outright in that district. Special exception hearings are held before the Zoning Hearing Board.

**STABLE:** The keeping of one (1) or more animals other than two (2) household pets within a roofed enclosure. A stable is not a home occupation. A stable is not an accessory use to a residential dwelling unless specifically permitted. A stable may be an agricultural use.

**STOOP:** A covered or uncovered area at a front, side, or rear door not exceeding twenty-four (24) square feet in area.

**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 is no floor above it, then the space between the floor and the ceiling next above it.

**STREET:** A public or private way, other than an alley, that affords the principal means of on-grade access to abutting properties. A “street” may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name.

**STREET CLASSIFICATIONS:** The following street classifications shall apply to all streets in the Township

- 1) Expressway – Limited-access freeways which carry through traffic between major urban centers and to and from points outside of a region with no local interference.
- 2) Arterial – Carries major movements of traffic within or through the community. Arterial streets typically carry Average Weekday Traffic (AWDT) volumes of greater than 8,000 vehicles per day.
- 3) Collector – Carries the internal traffic movements within the Township and connects developed areas with the arterial system. The “collector” system simultaneously provides abutting property with road access and accommodates local internal traffic movements. Collector streets typically carry an AWDT in the range of 3,000 to 7,999 vehicles per day.
- 4) Local – Provides access to immediately adjacent land but normally carries a small portion of the total vehicle miles traveled daily. AWDT volumes are typically less than 3,000 vehicles per day.
- 5) Private – Any vehicular way which is not dedicated as a public street.

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**STREET LINE:** The line defining the edge of the legal width of a dedicated street right-of-way.

**STRUCTURE:** Something constructed or erected with a fixed or permanent location on the ground being a combination of materials that form a construction that is safe and stable. The term structure shall also include a structure that is in the course of construction, alteration, or repair, but does not include building materials or supplies unless such materials or supplies are within an enclosed building. The term structure shall not include a paved parking area of a lot unless such area is covered by a roof or canopy. A structure shall also not include a covered paved driveway or sidewalk.

1. **ACCESSORY STRUCTURE:** A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.
2. **PRINCIPAL STRUCTURE:** The structure or portion thereof housing the main use of the land.
3. **TEMPORARY STRUCTURE:** Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

**STUDIO, DANCE, MUSIC OR MARTIAL ARTS:** The use of a premises by a teacher of music, dance and / or martial arts where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with "Dancing School" and "Music School" and similar terms.

**SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (a) before the improvement started, or (b) before the damage occurred if the structure has been damaged and is being restored. Substantial improvement is started when the first alteration of any structural part of the building commences.

**SUBSTANTIVE GROUNDS or QUESTION:** A challenge or appeal that shall raise an issue that this Ordinance or the Official Zoning Map is unconstitutional or that this Ordinance or the Official

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Zoning Map exceeds the powers (statutory authority) granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

**SWIMMING POOL:** Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six (6) inches of water.

1. **Commercial Swimming Pool** – A swimming pool operated for profit and open to the public upon payment of a fee.
2. **Private Swimming Pool** – A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.
3. **Public Swimming Pool** – A swimming pool operated by a unit of government for the general public.
4. **Semi-public Swimming Pool** – A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

**TATTOO PARLOR:** An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**TAVERN / DRINKING ESTABLISHMENT:** An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

**TEMPORARY SHELTER:** A structure or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

**THEATER:** A building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis.

**TOWER:** A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications

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antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

**TRADE, VOCATIONAL, BUSINESS AND COMMERCIAL SCHOOLS:** An establishment providing training or educational courses for degree and non-degree programs.

**TRANSPORTATION SERVICES:** A facility for private taxicab, limousine, bus service and similar passenger service.

**TRAILER (CAMPING AND RECREATIONAL EQUIPMENT):** Shall include travel trailers, pickup coaches, motorized homes, and recreational equipment as follows:

1. **TRAVEL TRAILER:** A portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.
2. **PICKUP COACH:** A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation purposes.
3. **MOTORIZED HOME OR RECREATION VEHICLE:** A portable temporary dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. **BOAT:** A vessel designed to travel on water.
5. **BOAT TRAILER:** A trailer designed to haul a boat (as defined above) over land areas.

**TRUCKING COMPANY TERMINAL:** A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

**USE:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land

**VARIANCE:** Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

**VEHICLE:** Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

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**VEHICLE REPAIR AND SERVICE:** Any building or lot used for the maintenance, servicing, repair, or painting of vehicles. This use does not include the sale of automobiles, impoundment, or a gasoline service station.

**VEHICLES SALES, RENTAL, AND SERVICE:** A facility for the sale, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

**WAREHOUSE AND STORAGE:** A structure primarily used for the storage of goods and materials.

**WATER BODY/WATER:** An area of water including, but not limited to, ponds, lakes, reservoirs, rivers, streams, and creeks.

**WETLANDS:** Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**WHOLESALE SALES (OTHER THAN MOTOR VEHICLES):** The storage and selling of commodities to retailers or jobbers rather than to households or ultimate consumers.

**WHOLESALE SERVICES:** An establishment primarily engaged in selling and distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

**WIND ENERGY EQUIPMENT (SMALL WIND FACILITIES):** A single tower, or multiple towers, situated on a lot to provide energy from a wind turbine source to an individual home, multi-family residential use, office, or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid, except in the case of net metering directly to the utility company. The small wind energy system may follow the rules of net metering under the State policy.

**WIND TURBINE:** A device for converting wind energy into mechanical (windmill) or electrical energy.

**YARD:** A space on the same lot with a principal structure, open, unoccupied and unobstructed by structures, except as may be otherwise provided in this Ordinance.

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1. **YARD, FRONT:** A yard extending along the full length of the front lot line, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements; the depth of which is the least distance between the front lot line at the right-of-way line and the building line. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. An enclosed porch, shall be considered as part of the main building and shall not project into a required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
2. **YARD, REAR:** A yard extending along the full length of the rear lot line between the rear of the principal building and the rear lot line; unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements.
3. **YARD, SIDE:** An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line. Any yard not a rear yard or a front yard shall be deemed to be a side line. A structure or building shall not extend into the required side yards unless specifically permitted by this Ordinance.

**ZONING AMENDMENT:** A change in any Zoning District which includes revisions to this Ordinance Text and/or the Official Zoning Map.

**ZONING APPROVAL:** Approval under the provisions of this Ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this Ordinance.

**ZONING DISTRICT:** An area illustrated on the Official Zoning Map to define and delineate the location, extent, use, and nature of permitted activities regulated by this Ordinance.

**ZONING HEARING BOARD:** A Board comprised of members who are appointed by the governing body to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the municipality or regarding challenges to the decisions of the Zoning Officer.

**ZONING MAP:** The Official Zoning Map of East Bethlehem Township delineating the Zoning Districts together with all amendments subsequently adopted.

**ZONING OFFICER:** The individual authorized by East Bethlehem Township having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this Ordinance and such other Ordinances that may be assigned by The Board of Commissioners.

**East Bethlehem Township**  
Zoning Ordinance

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**Chapter 3**

**District Regulations**

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**A DISTRICTS**

- (1) For the purposes of this Ordinance, East Bethlehem Township is hereby divided into five (5) zoning districts, which shall be designated as follows:
  - (a) R1 – Single Family Residential
  - (b) R2 – Multi Family Residential
  - (c) B1- General Business
  - (d) A1 – Agricultural District
  - (e) I1 – Industrial District
- (2) The boundaries of said districts shall be as shown upon the map adopted December 8, 2008 , which are designated the “Official Zoning Map of East Bethlehem Township, Washington County, Pennsylvania.” Said map and all notations, references, and other features shown thereon shall be made a part of this Ordinance as if the matters and features shown by said map were all fully described herein.
- (3) Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:
  - (a) The district boundaries are the street centerlines, unless otherwise shown.
  - (b) The vacation of roads shall not affect the location of such district boundaries.
  - (c) Where the district boundaries do not appear to be street lines, the boundaries shall be construed to be property lines or dimensions from street lines.
  - (d) When a district boundary line passes through a parcel of land with no indication of distance, the scale of the map shall determine the location of such line.
  - (e) When the location of a district boundary cannot be definitely determined by centerlines, the scale of the dimensions stated on the Official Zoning Map, or by the fact that it clearly coincides with a lot line, the location of the district boundary shall be interpreted by the Zoning Officer or appropriate Township Official with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this chapter.



## **East Bethlehem Township Zoning Ordinance**

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- (4) Where a zoning district splits a lot, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply:
- (a) Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.
  - (b) Where a lot cannot be subdivided in compliance with this chapter and other appropriate regulations, the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this chapter where the largest portion of the lot is located. If this section creates an undue hardship, the Zoning Board has jurisdiction to grant relief as it deems necessary.

# East Bethlehem Township Zoning Ordinance

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## **B SINGLE FAMILY RESIDENTIAL**

### **PURPOSE**

The intent of the R-1: Single Family Residential District is to provide for low density single family residential development while allowing for community facilities.

### **LAND USE**

#### **(1) Permitted Uses**

- a. Dwelling, Single-family detached
- b. Dwelling, Single-family attached
- c. Municipal Use
- d. Recreation, Municipal
- e. Accessory uses, including:
  - i. Garage, private Greenhouse
  - ii. Home-based business, no impact
  - iii. Solar energy equipment
  - iv. Storage Sheds
  - v. Swimming pools
  - vi. Wind energy equipment (Small wind facilities)

#### **(2) Special Exception Use**

- a. Family Day Care Home
- b. Group Residential Facility
- c. School Bus Shelter

#### **(3) Conditional Use**

- a. Bed and Breakfast Inn
- b. Catering Business
- c. Church
- d. Community Facility
- e. Convenience Store
- f. Emergency Services
- g. Nursing Home/Personal Health Care Facility
- h. Photography Studio
- i. Repair Shop
- j. Restaurant
- k. Tavern/Drinking Establishment

# East Bethlehem Township Zoning Ordinance

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## DIMENSIONAL REQUIREMENTS

### (1) Lot, Yard, and Height Requirements for R1 Uses

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in *Table 3.1*.

<b>Table 3.1: Lot Requirements for R-1 Uses.</b>	
Minimum Lot Area	4,000 Square feet
Minimum Lot Width	40 feet
Maximum Structure Height	35 feet
<i>Building Setback Requirements</i>	
Minimum Front Yard Setback	10 feet or the average of the two adjacent properties
Minimum Side Yard Setback	3 feet, but not less than 5 feet from a neighboring structure
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	70%
* Not to exceed 2.5 stories	

# East Bethlehem Township Zoning Ordinance

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## **C R2 MULTI FAMILY RESIDENTIAL**

### **PURPOSE**

The intent of the multifamily residential district is to provide for multi-family residential development to encourage a mixture of housing types such as townhomes, garden apartments, and mid-rise apartments.

### **LAND USES**

#### **(1) Permitted Uses**

- a. Dwelling, Multi-Family-Duplex
- b. Dwelling, Multi-Family-Apartment
- c. Dwelling, single-family detached
- d. Municipal Use
- e. Recreation, Municipal
- f. Accessory uses, including:
  - i. Garage, private
  - ii. Home-based business, no impact
  - iii. Solar energy equipment
  - iv. Storage sheds
  - v. Swimming pools
  - vi. Wind energy equipment (small wind facilities)

#### **(2) Special Exception Uses**

- a. Communications Tower
- b. Community Day Care Center, Adult
- c. Community Day Care Center, Child
- d. Nursing Home and Related Health Care Facilities
- e. Family Day Care Home

#### **(3) Conditional Uses**

- a. Bed and Breakfast Inn
- b. Catering Business
- c. Church
- d. Community Facility
- e. Convenience Store
- f. Emergency Services
- g. Indoor Recreation
- h. Municipal Uses
- i. Nursing Home/Private Health Care Facility
- j. Restaurant
- k. Tavern/Drinking Establishment

# East Bethlehem Township Zoning Ordinance

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## DIMENSIONAL REQUIREMENTS

### (1) Lot, Yard, and Height Requirements for R-2 Uses

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.2

<b>Table 3.2 Lot Requirements for R-2 Uses.</b>	
Minimum Lot Area	4,000 sq.ft.
Minimum Lot Width	40 feet
Maximum Structure Height*	35 feet
<i>Building Setback Requirements</i>	
Minimum Front Yard Setback	10 feet or the average of the two adjacent properties
Minimum Side Yard Setback	3 feet but not less than 5 feet from a neighboring structure..
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	70%
*Not to exceed three (3) stories	

# East Bethlehem Township Zoning Ordinance

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## **D B1 GENERAL BUSINESS**

### **PURPOSE**

The intent of the B1 - General Business District is to provide for a combination of business and other uses along the main corridors of East Bethlehem Township.

### **LAND USE**

#### **(1) Permitted Uses**

- a. Automobile Repair
- b. Automobile Sales
- c. Bank or Financial Institution
- d. Beverage Distributor (Wholesale and/or Retail)
- e. Catering Business
- f. Church, Place of Worship
- g. Community Day Care Center, Adult
- h. Community Day Care Center, Child
- i. Convenience Store
- j. Dwelling, Multi-Family-Duplex
- k. Dwelling, Multi-Family-Apartment
- l. Dwelling, Multi-Family-Garden Apartment
- m. Dwelling, Multi-Family-High Rise Apartment
- n. Dwelling, Multi-Family-Residence over Business
- o. Dwelling, single-family detached
- p. Dwelling, single-family attached
- q. Emergency Services Station or Training Facility
- r. Equipment Sales, Rental and Service
- s. Farmer's Market
- t. Food and Grocery Store
- u. Funeral Home
- v. Garden Center or Nursery
- w. Gas Station (including Retail Store)
- x. Greenhouse (Commercial or Wholesale)

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y.	Health Club
z.	Hospital or Surgery Center or Related Testing
aa.	Hotel or Motel
bb.	Laundromat
cc.	Library
dd.	Lumber Yard
ee.	Medical Clinics or Labs
ff.	Municipal Uses
gg.	Professional Office
hh.	Recreation, Commercial Indoor
ii.	Recreation, Commercial Outdoor
jj.	Recreation, Municipal
kk.	Repair Shop
ll.	Restaurant, Carry Out
mm.	Restaurant, Fast Food
nn.	Restaurant, Full Service
oo.	Retail Store
pp.	School - Public, Private, Primary or Secondary
qq.	Self-Storage Facility
rr.	Studio, Dance, Music or Karate
ss.	Tavern/Drinking Establishment
tt.	Theatre, Indoor Movie or Live Theatre (not Adult)
uu.	Trade School
vv.	Transportation Services
ww.	Accessory uses, including:
i.	Garage, private
ii.	Greenhouse
iii.	Home-based business, no impact
iv.	Parking lot
v.	Solar energy equipment
vi.	Storage sheds

# **East Bethlehem Township Zoning Ordinance**

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## **(2) Special Exception Uses**

- a. Animal Daycare
- b. Animal Hospital, Vet Clinic
- c. Automobile Car Wash
- d. Bed and Breakfast Inn
- e. Family Day Care Home
- f. Garden Center or Nursery
- g. Group Residential Facility
- h. Kennel
- i. Marina
- j. Nursing Home and Related Health Care Facilities
- k. Public Utility, Other than Municipally Owned

## **(3) Conditional Uses**

- a. Community Recreation Center



# East Bethlehem Township Zoning Ordinance

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## DIMENSIONAL REQUIREMENTS

### (1) Lot, Yard, and Height Requirements for B1 District

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.3.

Table 3.3 Lot Requirements for B1 District	
Minimum Lot Area	4,000 sq.ft.
Minimum Lot Width	30 feet
Maximum Structure Height*	40 feet
<i>Building Setback Requirements</i>	
Minimum Front Yard Setback	10 feet or the average of the two adjacent properties
Minimum Side Yard Setback	3 feet, but not less than 5 feet from an adjacent structure
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	70%
*Not to exceed three (3) stories	

# East Bethlehem Township Zoning Ordinance

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## **E A1 AGRICULTURE**

### **PURPOSE**

The intent of the A1 - Agriculture District is to preserve productive agricultural land resources and to provide sites for low density residential development that will be compatible with natural features, agricultural pursuits and the perpetuating of the low density characteristics of the district.

### **LAND USE**

#### **(1) Permitted Uses**

- a. Dwelling, Single Family Detached
- b. Dwelling, Single Family Attached
- c. Emergency Services Station or Training Facility
- d. Non Commercial Agriculture
- e. Commercial Agriculture
- f. Non Commercial Greenhouse
- g. Commercial Greenhouse
- h. Garden Center or Nursery
- i. Church or Place of Worship
- j. Convenience Store
- k. Farmer's Market
- l. Municipal Uses
- m. Recreation, Commercial Indoor
- n. Recreation, Commercial Outdoor
- o. Recreation, Municipal
- p. School - Public, Private, Primary or Secondary
- q. Accessory Uses, including
  - 1. Garage, private
  - 2. Home-based business, no impact
  - 3. Parking Lot
  - 4. Solar Energy Equipment
  - 5. Storage Sheds

# East Bethlehem Township Zoning Ordinance

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## **(2) Special Exception Uses**

- a. Animal Daycare
- b. Animal Hospital, Vet Clinic
- c. Bed and Breakfast Inn
- d. Family Day Care Home
- e. Group Residential Facility
- f. Kennel
- g. Nursing Home and Related Health Care Facilities
- h. Public Utility, Other than Municipally Owned

## **(3) Conditional Uses**

- a. Community Recreation Center

## East Bethlehem Township Zoning Ordinance

### (1) Lot, Yard, and Height Requirements for A1 District

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.3.

Table 3.3 Lot Requirements for A1 District	
Minimum Lot Area	4,000 sq.ft.
Minimum Lot Width	30 feet
Maximum Structure Height*	45 feet
<i>Building Setback Requirements</i>	
Minimum Front Yard Setback	50 feet or the average of the two adjacent properties
Minimum Side Yard Setback	30 feet, but not less than 25 feet from an adjacent structure
Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage	40%
*Not to exceed three (3) stories	

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## **F I1 LIGHT INDUSTRIAL**

### **PURPOSE**

The intent of Industrial District is to accommodate industrial uses of land in areas that have convenient access and to provide for uses that may not be compatible with conventional residential and commercial districts.

### **LAND USES**

#### **(1) Permitted uses**

- a. Automobile Car Wash
- b. Bank or Financial Institution
- c. Church, Place of Worship
- d. Construction and Building Related Trades
- e. Distribution Center
- f. Emergency Services Station or Training Facility
- g. Greenhouse, Commercial
- h. Incinerator
- i. Junkyard
- j. Manufacturing, Heavy
- k. Manufacturing, Light
- l. Medical Clinic or Labs Municipal Uses
- m. Parcel Delivery Facility
- n. Professional Office
- o. Public Utility Facility, Other than Municipally Owned
- p. Recreation, Commercial Indoor Recreation, Commercial Outdoor Recycling Center
- q. Refuse and Waste Collection Areas
- r. Repair Shop
- s. Research and Development, Engineering or Testing Facility or Laboratory
- t. Self Storage Facility
- u. Warehousing or Storage
- v. Accessory uses, including:

## East Bethlehem Township Zoning Ordinance

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- i. Garage, community
- ii. Parking lot
- iii. Solar energy equipment
- iv. Wind energy equipment (small wind facility)

### **(2) Special Exception uses**

- a. Adult Oriented Establishment
- b. Animal Daycare
- c. Animal Hospital, Vet Clinic
- d. Automobile Repair
- e. Communications Tower
- f. Kennel
- g. Marina

### **(3) Conditional uses**

- a. Methadone Treatment Center
- b. Wind Turbine

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## **DIMENSIONAL REQUIREMENTS**

### **(1) Lot, Yard and Height Requirements for A1 and I1 Districts**

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.5.

<b>Table 3.5 Lot Requirements for I-1 District</b>	
Minimum Lot Area	.5 acre
Minimum Lot Width	100 feet
Maximum Structure Height*	40 feet
<i>Building Setback Requirements</i>	
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	50 feet
Maximum Building Coverage	40%
<i>*Not to exceed three (3) stories</i>	

# **East Bethlehem Township Zoning Ordinance**

## **Chapter 4 - General Regulations**

### **Section 4.1 Purpose**

The purpose of this Chapter is to establish standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within the Township. The provisions for this Chapter shall apply in addition to any other applicable zoning regulations.

### **Section 4.2 Projections into yards**

- 1.** No structure, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any required front, side or rear yard, except as provided below:
  - (a) Minor utility fixtures, unenclosed patios and articles of decoration around a main building may be located in any required yard.
  - (b) A buttress, chimney, cornice, pier or pilaster extending no more than two (2) feet from the wall of the principal structure may be located in any required yard.
- 2.** Front Yards
  - (a) Up to one third of the required front yard may be occupied by an unenclosed ground floor "open porch." Such porch may be screened and include a roof, but shall not include a second floor.
  - (b) The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two (2) structures which may be nonconforming with respect to the front yard, provided that the resulting front yard shall not be less than the median front yard of the two (2) adjacent structures.
  - (c) This section shall not apply to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over three (3) feet high above grade level.
- 3.** Side Yards
  - (a) Bays, balconies, unenclosed porches, unenclosed decks, chimneys, flues, and fire escapes may project into a required side yard not more than four (4) feet.
  - (b) The provisions of this section shall not apply to unroofed patios, steps, uncovered porches, decks, wheelchair ramps or other similar features not over three (3) feet high above the average ground level.



# East Bethlehem Township Zoning Ordinance

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## **4. Rear Yards**

- (a) Up to one third of the required minimum rear yard may be occupied by an unenclosed ground floor rear porch or wood deck, with or without a roof.
- (b) The provisions of this section shall not apply to terraces, steps, uncovered porches, wheelchair ramps or similar features not over three (3) feet high above the average grade level.
- (c) If a fence is placed within an easement, the Township may require the construction of a gate to allow access for the easement purposes. A fence shall not obstruct drainage in a drainage easement. Where a fence may be allowed in an easement, the owner shall assume responsibility to remove the fence if needed to accomplish work authorized by the easement.

## **Section 4.3 Accessory Buildings, Uses and Structures**

- 1. All accessory uses shall require a Zoning/Development Permit. Accessory buildings, accessory uses, and accessory structures shall be permitted in all districts, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure on the lot prior to the issuance of a Zoning/Development Permit for an accessory structure.
- 2. No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.
- 3. All accessory uses shall comply with the side and rear yard setback requirements for that district, except for residential lots that are smaller than 5,000 square feet. These lots may encroach in the rear yard setback up to five (5) feet from the lot line and up to three (3) feet from the lot line in side yards unless otherwise regulated in Chapter 5: Supplemental Regulations.
- 4. No accessory buildings, uses, and structures shall be closer than five (5) feet to a principal structure.

## **Section 4.4 Fencing**

- 1. No fence shall be located, constructed, or maintained in a way that will obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property.
- 2. No fence shall be located in a clear sight triangle or within the road right-of-way.
- 3. Fences shall be constructed of chain-link, post and rail, picket, privacy panel where permitted, dog ear or other similar type fencing material.
- 4. The finished side of the fence shall be oriented towards the front of the lot or the direction of the adjacent property owner, unless it is a type of fencing where there is no finished side.

## **East Bethlehem Township Zoning Ordinance**

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5. Fences to be located within the front yard must have a required setback of two (2) feet from the edge of the road right of way and shall in no way inhibit passing motor vehicle traffic or road maintenance, cleaning, plowing, or repair.
6. Fences to be located within the side or rear yard must have a required setback of two (2) feet from the public right of way if the yard is adjacent to a street or alley.
7. Fences located in the front yard shall not exceed a height of four (4) feet, and fences located in the side and rear yards shall not exceed a height of six (6) feet.
8. A permit to erect all types of fences, with the exception of agricultural fences shall be required in accordance with the regulations of the Township.

### **Section 4.5 Performance Standards**

1. No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every use of land or structure in any district must observe the following performance requirements:
  - (a) No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
  - (b) The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA DEP), as provided for through Pennsylvania Act 537, and / or East Bethlehem Township, and comply with all applicable federal regulations.
  - (c) Fire protection and fire fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
  - (d) No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
  - (e) Vibrations detectable without instruments on a neighboring property in any district shall be prohibited.
  - (f) Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
  - (g) No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.

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## **Section 4.6 Lighting**

1. The following lighting requirements are provided to ensure coordinated, safe and functional lighting systems in all zoning districts. The site lighting requirements include:

- (a) No use shall produce an intense light or reflection of an intense light or glare that is visible from any point along a lot line.
- (b) Pedestrian areas, plazas, and walk lights shall not exceed fifteen (15) feet in height and should be designed to be harmonious with light fixtures on site.
- (c) All pedestrian areas, plazas, and walks with steps or change of grade shall be suitably lighted at all times. Details of proposed lighting fixtures and supports and the locations thereof shall be submitted as required by this Ordinance.
- (d) All light fixtures shall be concealed source fixtures except for pedestrian oriented accent lights.
- (e) Feature lighting, such as up lighting of trees or other plant material, seasonal lighting, etc., shall be so arranged to reflect away from any residential structure.
- (f) Security lighting fixtures shall not project above the facade or roofline of any structure.
- (g) Building, parking, and all other exterior lighting shall be shielded. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.
- (h) For all non-residential uses, service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area.
- (i) For all non-residential uses, exterior wall-mounted floodlights shall be prohibited except for security lighting.
- (j) When practical, overhead wiring shall be avoided.
- (k) Spotlights or other types of artificial lighting that provide a concentrated beam of light shall be directed so that the beam of light does not extend beyond any property lines.
- (l) No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring property.

## **Section 4.7 Vehicular Access and Traffic Control**

1. To minimize traffic congestion and hazards, control street access and encourage orderly development of highway frontage, the following regulations shall apply:

- (a) Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct

## **East Bethlehem Township Zoning Ordinance**

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access only to the street of lesser functional classification.

(b) Vehicular Ingress and Egress to Arterial and Collector Streets shall conform to the following:

- (1) Where lots are created having frontage on an arterial or collector street, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.
- (2) Where any use other than a single-family detached dwelling has vehicular access to or from an arterial or collector street, the Township may require that all vehicular entrances and exits be provided with deceleration and acceleration lanes, as may be recommended or required by the Township Engineer and/or the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

(c) Ingress and egress for off-street parking shall be designed and arranged so that:

- (1) The edge of any access driveway onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de-sac turnaround.
- (2) Any residential use with less than one hundred (100) feet of street frontage shall not have more than one (1) access driveway.
- (3) No residential use with one hundred (100) feet or more of street frontage shall have more than two (2) access driveways to any one (1) street for each four hundred (400) feet of street frontage. The Township may require common access point(s) for two (2) or more uses, where practical, to minimize vehicular access points along streets other than local streets. All access driveways shall be designed to conform to PennDOT specifications.
- (4) Non-residential properties in any zoning district with frontages of six hundred (600) feet or less on any individual street are only permitted one (1) driveway intersection per street.
- (5) Non-residential properties in any zoning district with frontages greater than six hundred (600) feet may be permitted a maximum of two (2) driveways per street frontage, provided that such driveways are at least three hundred (300) feet apart and that one (1) driveway is clearly marked for egress only and one (1) driveway is clearly marked for ingress only.
- (6) Each nonresidential use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting nonresidential lots, unless all possible interconnections between two abutting lots must cross wetlands, floodplain or slopes of fifteen (15) percent or more.
- (7) Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
- (8) Parking areas on abutting lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
- (9) Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along

## East Bethlehem Township Zoning Ordinance

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streets and bike trails or sidewalks on abutting property.

- (d) On any lot, no wall, fence, hedge, tree, shrub, or other obstruction shall be allowed which dangerously obscures the view of approaching traffic along the street, or at any intersection, including driveways.
- (e) On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle, defined by the following:
  - (1) Above the height of two and one-half (2 ½) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.
  - (2) Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.
- (f) Driveway and street entrances onto public streets shall be maintained in accordance with PennDOT requirements.
- (g) All dead end and cul-de-sac streets shall be governed by PennDOT requirements.
- (h) Drive-thrus.
  - (1) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred and fifty (150) feet from the street centerline of any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the Township Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
  - (2) Drive-thru aisles shall be a minimum one hundred (100) feet from the property line of any residential lot.
  - (3) Pedestrian walkways shall not intersect the drive-thru aisles.
  - (4) Drive-thru aisles shall have a minimum twelve-foot (12') width on curves and a minimum eleven-foot (11') width on straight sections.
  - (5) Drive-thru aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum ten (10) cars (approximately two hundred (200') feet). From the menu board to the pick-up window there shall be a minimum of two (2) additional stacking spaces (approximately forty (40') feet).
  - (6) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway. There shall be provided one (1) parking space for every two (2) employees. A minimum of six (6) parking spaces required.
  - (7) Drive-thru uses shall be screened and landscaped in the following manner:
    - i. Drive-thru aisles shall be separated from landscaping areas by a six-inch (6") high, poured in place, concrete curb or other suitable protective device meeting Township

## **East Bethlehem Township Zoning Ordinance**

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approval.

- ii. Speakers at drive-thrus shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
- iii. All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view.
- iv. Landscaping shall screen drive-thru aisles or stacking lanes from the public right-of-way and shall be used to minimize the visual impacts of reader-board signs and directional signs.
- v. Menu board shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall face away from the street.

### **Section 4.8 Off-Street Parking**

1. Off-street parking spaces, with proper and safe access from a street, shall be provided on all non-residential lots, either within a structure or in the open, to serve the uses upon that lot.
2. Parking may only be maintained on a property where the principal use is located or on a parcel that is subsequently acquired and abuts the property where the principal use is located. The parcel where the property is located must be in the same zone as the principal use.
3. For angle parking, stalls shall be between eight and a half (8.5) feet and nine (9) feet in width and be a minimum nineteen (19) feet in length. At the discretion of the Zoning Officer, a portion of the required parking spaces may be reduced to a minimum of seven and a half (7.5) feet wide by sixteen and a half (16.5) feet in length, if clearly identified as "Compact Car" spaces.
4. Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on a combined utilization of all facilities on site simultaneously or demonstrating the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such duties. The modification shall be granted by the Zoning Hearing Board.
5. For parallel parking, stalls shall be between seven (7) feet and eight and a half (8.5) feet in width and between twenty-two (22) feet and twenty-four (24) feet in length.
6. Off-street parking shall not be required in the Downtown Fredericktown Business District due to the availability of public parking areas.
7. The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as follows in *Table 4.1*.

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<b>Table 4.1: Parking Standards</b>		
<i>Angle of Parking</i>	<i>Minimum Aisle Width (Double-Sided Parking)</i>	<i>Minimum Aisle Width (Single-Sided Parking)</i>
Parallel	12'	12'
45	12'-8"	12'-8"
60	16'	16'
75	20'	18'
90	24'	18'

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8. The required parking area shall be measured exclusive of interior drives or maneuvering areas.
9. Parking spaces for use by persons with disabilities shall meet Americans with Disabilities Act of 1990 (ADA) standards. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows in *Table 4. 2*.

<b>Table 4.2: ADA Parking Standards</b>		
<i>Total Parking Spaces</i>	<i>Required Handicap Accessible Spaces</i>	<i>Required Van Accessible Spaces</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total	
over 1000	20 plus 1 per 100 over 1000	

10. One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.
11. Additionally, at least one (1) in every eight (8) handicap accessible spaces, shall be served by an access aisle eight (8) feet wide minimum and shall be designated "Van Accessible" as required by ADA.
12. If the land between parking areas and the side or rear lot lines or street right-of-way line is landscaped to the satisfaction of East Bethlehem Township, parking may be allowed in front, side and rear yards, but no closer than twenty-five (25) feet from a side or rear lot line or street right-of-way line.
13. All parking areas shall be designed to be accessible year-round.



## East Bethlehem Township Zoning Ordinance

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- 14.** Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the Township upon the recommendation of the Township Engineer. Parking spaces shall have an approved all-weather surface.
- 15.** Reserve parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the Township Engineer.
- 16. Stormwater Management**
- (a) All land development plans with off-street parking areas shall be accompanied by a stormwater management plan for the entire site meeting all applicable regulations regarding stormwater management and erosion control.
  - (b) Development plans presented at the preliminary plan stage shall clearly indicate drainage patterns across all surface areas and areas altered by proposed developments.
- 17.** Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.
- 18.** Where required, parking areas shall be provided with outdoor lighting in accordance with Section 4.5.
- 19.** The following minimum number of off-street parking spaces per use shall be provided for the uses indicated below.
- (a) Residential Uses.  
For residential uses, the following minimum parking requirements in *Table 4. 3* shall apply. Individual enclosed garages designed to house two or more cars may be substituted for one off-street parking space. In residential areas with existing on-street parking, off-street parking will not be required for single-family or multi-family duplex uses.

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**Table 4. 3: Residential Parking Requirements**

<i>Type of Residential Use</i>	<i>Number of Off-Street Spaces Required</i>
Multi-family dwellings	Two (2) spaces per dwelling unit
Single-family detached and attached dwellings	Two (2) per dwelling unit
Boarding House (Rooming House)	One (1) space per resident, plus one (1) space for each employee on the largest shift
Group Residential Facility, Group Quarters, Institutional Homes, Nursing Homes, Skilled Nursing Facilities, Assisted Living Facilities, Independent Living Facilities, or similar residential-type use	One (1) space for each five (5) beds, plus one (1) space for each employee on the largest shift

(b) Non-Residential uses.

For all non-residential uses except business, professional, or government offices, there shall be sufficient parking spaces provided for each use so that there is a minimum of one space for each employee on the shift of greatest employment, plus additional parking spaces to be provided by the application of the appropriate formula for each use as listed in *Table 4. 4*. For business, professional, or government offices, the formula below assumes the inclusion of employee parking.

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<b>Table 4.4: Non-Residential Parking Requirements</b>	
<i>Type of Non-Residential Use</i>	<i>Number of Off-Street Spaces Required</i>
Animal Daycare	Two (2) parking spaces for each one thousand (1,000) sf of GFA, plus adequate space for client drop-off and pick-up, subject to approval by the Township
Animal Hospital / Veterinary Clinic / Kennel	Three (3) parking spaces for each one thousand (1,000) sf of space
Automobile or Boat sales, service, or repair	Two (2) spaces for each two hundred (200) sf of GFA devoted to repairs, sales, or service facilities. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be less than five (5)
Bank or Financial Institution	Three (3) parking spaces for each one thousand (1,000) sf of GFA, excluding area used exclusively for filing or storage
Business, professional, or government office	Three (3) parking spaces for each one thousand (1,000) sf of office space
Bowling Alley	Five (5) spaces for each bowling alley lane
Church or other place of worship	One (1) space for each five (5) seats (Places of worship are encouraged to seek shared use of parking with other uses with differing times of peak usage)
Club, Lodge or Lounge (including Nightclubs)	One (1) space for every 100 sf of GFA
Community day care (adult or child ) or child nursery	Two (2) parking spaces for each one thousand (1,000) sf of GFA, plus adequate space for client drop-off and pick-up, subject to approval by the Township
Community Recreation Center	One (1) space for 300 sf of GFA
Cultural services	One (1) parking space for each five hundred (500) sf of GFA
Convenience Store / Food or Grocery Store	One (1) space for every 300 sf of GFA
Distribution Center / Warehousing and Storage	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Family Day Care Home	One (1) space for every employee, plus adequate space for client drop off and pick up subject to approval by the Township
Funeral Home	One (1) space for each three (3) visitors the facility is designed to accommodate

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Garden Center or Nursery	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
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## East Bethlehem Township Zoning Ordinance

**Table 4.4: Non-Residential Parking Requirements**

Gas Station	One (1) space per pump plus two (2) stacking spaces for each pump island
Golf course	Three (3) parking spaces for each tee
Health Club	One (1) space for every 250 sf of GFA
High Schools	One (1) parking space for every four (4) students based on the design capacity of the school
All other schools	One (1) parking space for every ten (10) students based on the design capacity of the school
Hospital or Surgery Center	Two (2) spaces for each bed proposed to be constructed
Hotel, Motel, Bed & Breakfast Inn	One (1) space for each rental unit (If a restaurant, auditorium, or other related use in connection with such principal use is open to the public, the off-street parking facility for such related uses shall not be less than those required individually for such uses)
Library	One (1) parking space for each five hundred (500) sf of gross floor area
Laboratory or research facilities, printing and publishing facilities, kennels, junkyards and any other use not specifically provided herein	Sufficient parking to accommodate employees, visitors, or clients, subject to approval of the Township
Manufacturing, Heavy	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space
Manufacturing, Light	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Medical or dental office or clinic	Three (3) parking spaces for each one thousand (1,000) sf of office/clinic space
Professional Office	One (1) space for every 400 sf of GFA
Recreation, Indoor	One (1) space for every 300 sf of GFA
Recreation - municipal or private (up to 10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation - municipal or private (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein

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**Table 4.4: Non-Residential Parking Requirements**

Restaurant, carry out and full service	One (1) space for every 125 sf of GFA
Restaurant, fast food	Ten (10) parking spaces for each one thousand (1,000) sf of floor space, plus six (6) stacking spaces per drive-thru service window
Retail Stores, General Business, Commercial And Personal Service Establishments	Three (3) spaces for each one thousand (1,000) sf of area used for sales and the display of merchandise
Theater / Auditorium	One (1) space for each five (5) seats
Vehicular sales, service, and repair; or car wash	Two (2) spaces for each two hundred (200) sf of floor or ground area devoted to repairs, sales, or service facilities. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be less than five (5)
Wholesale Services	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees
Uses not specifically provided herein	Sufficient parking to accommodate employees, visitors, or clients, subject to approval of the Township

Note: Sf = Square Feet      gfa = Gross Floor Area

## **Section 4.9 Off-Street Loading Requirements**

1. In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this section:
  - (a) Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:
    - 1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or
    - 2) Backing out into a street.
  - (b) All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two (2)-ton capacity shall be located less than one hundred (100) feet from any residential district. No permitted or required loading berth shall be located within fifty (50) feet of any property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard.

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## **Section 4.10 Lot Development**

### **1. Grading**

- (a) No earth moving shall be permitted in the Township without a permit for such work having been issued by the Zoning Officer.
- (b) Such a permit shall be issued only where such grading will be done as part of the preparation of a property to receive new or additional improvements for which a building permit has been issued or will be issued concurrently with a grading permit, or where such grading is necessary to place public facilities, such as streets or utility lines, or to prepare lots in an approved subdivision plan for sale for development.
- (c) The application for a grading permit shall include a scaled drawing of the property to be graded indicating the exact location and extent of the area to be affected and the proposed maximum grades at completion of work, together with location of surface drainage systems and proposed treatment of graded surfaces where not paved or occupied by structures.
- (d) Graded slopes shall not exceed the following maximums:
  - (1) Where earth materials are excavated from areas where the surface has not been altered for at least two years, the maximum grade shall not exceed one-foot vertical rise to each 1 1/2 feet of horizontal run.
  - (2) Where earth materials are placed upon previously undisturbed soil or grading is carried out in areas where previous earth moving has occurred less than two years before, the maximum grade shall not exceed one-foot vertical rise to each two feet of horizontal run.
  - (3) Where soil conditions apparently will tolerate steeper grades without sacrificing the stability of the graded slope and the areas the slope supports, the developer shall provide a report prepared by a registered professional engineer, bearing his Pennsylvania seal, testifying that the soil conditions in the area to be disturbed will tolerate grades up to a maximum slope established by the engineer.
- (e) Areas to be built up through grading shall be keyed in to preexisting undisturbed earth and well compacted in layers not to exceed eight inches in thickness. The toe of a slope shall be either graded to a natural existing drainage way or storm drain system. Where a slope continues upward beyond the limits of grading, the top of the graded area shall be protected from the accumulation of stormwater by a bench sloped to a storm drain system.
- (f) Slope areas not to be paved or built upon shall be planted with erosion-resisting plant materials immediately upon completion of grading work. Areas of the property not occupied by buildings or paved surfaces shall be landscaped and maintained upon completion of development.

### **4.10.2. Stormwater.**

- (a) Applicants must show that the development complies with the Washington County Stormwater Management requirements.

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## **Section 4.11 Outdoor Storage**

- 1.** No lot or premises may be used as a storage area or dump for garbage, junk automobiles, automobile parts or appliances or for the storage or collection of any other miscellaneous items except as provided for in other applicable Township statutes.
- 2.** Except for motor vehicles actively used in connection with farming, commercial or mining activities in zoning districts where permitted by this ordinance, the exterior storage of more than one (1) motor vehicle or similar motorized equipment that was manufactured for highway use which is disabled, from which the wheels, engine or other major components have been removed, which is not in operating condition, which does not have a current inspection sticker attached or which does not have a current valid vehicle registration issued to an owner or occupant of the property shall constitute an auto salvage business and shall not be permitted as an accessory use. No owner or occupant of any property in any zoning district shall permit said property to be used for the parking or storage of any such vehicles or equipment. The foregoing shall not prohibit the use or rental of space within a private or public garage or repairs in a commercial garage in a zoning district where permitted by this ordinance.
- 3.** Any material stored outside an enclosed structure being used for commercial or industrial purposes as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining properties not owned by the user. "Materials" shall not be deemed to include operable vehicles.



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## CHAPTER 5

### Supplemental Use Regulations

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#### **Section 5.1 Purpose**

1. The purpose of this Chapter is to establish standards and policies for specific uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right, a special exception, or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Chapter shall apply in addition to any other applicable zoning regulations.

#### **Section 5.2 Adult Oriented Establishments**

2. Adult-oriented establishments shall be subject to the following regulations:
  - (a) Adult entertainment uses shall not be located within one-thousand (1,000) feet of any residential structure; within one-thousand (1,000) feet of any church, school, park or playground; or within one-thousand (1,000) feet of any other adult entertainment use.
  - (b) Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.
  - (c) All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
  - (d) In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.

#### **Section 5.3 Agricultural Operations**

1. Agricultural Operations shall be subject to the following regulations: (a)

##### General Provisions for all Agricultural Operations

- (1) All agricultural practices shall comply with the Pennsylvania Department of Environmental Protection (DEP) standards regarding nutrient management.

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- (2) Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.
- (3) Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.

**(b) Provisions for Concentrated Animal Feeding Operations (Animal /Livestock Farming)**

- (1) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.
- (2) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.
- (3) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.
- (4) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than twenty (20) feet to an adjacent property line.
- (5) Poultry houses for housing more than five hundred (500) birds shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- (6) Structures for housing more than twenty-five (25) head of livestock shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- (7) The Zoning Hearing Board may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, provided that the Zoning Hearing Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

### **Section 5.4 Animal Daycare**

- 1.** Animal day care facilities and dog day care facilities shall be subject to the following regulations:
  - (a) The number of pets / animals to be permitted shall be determined by the Zoning Hearing Board.
  - (b) Kennels / overnight boarding facilities shall not be permitted unless submitted as part of an application for kennels / boarding facilities.
  - (c) All animal daycares shall operate under a plan approved by the Township for the disposal of animal waste.

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- (d) Hours of operation shall be between 7 AM and 8 PM.

### **Section 5.5 Animal Hospitals / Veterinary Offices**

1. Animal hospitals and veterinary offices shall be subject to the following regulations:
  - (a) They shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
  - (b) Outdoor runs and similar facilities shall not be permitted.

### **Section 5.6 Automobile or Boat Sales**

1. Automobile or Boat sales or rental facilities shall be subject to the following regulations:
  - (a) All facilities shall have a minimum lot size of one (1) acre.
  - (b) Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.
  - (c) Exterior lighting shall be reduced to fifty percent (50%) after 11:00 PM.
  - (d) The site shall have frontage on and direct access to an arterial or collector street.
  - (e) The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the Township Engineer.
  - (f) All lots used for the outdoor display of automobiles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales, and customer car washing shall be performed.
  - (g) Vehicles or other merchandise displayed outdoors shall be at least five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
  - (h) No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
  - (i) All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.

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- (j) No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot, or on any merchandise displayed outdoors.
- (k) All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- (l) Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area screened by a six (6) foot hedge or opaque fence.

### **Section 5.7 Automobile Car Wash**

**1. Automobile car washes shall be subject to the following regulations:**

**(a) General Requirements**

- (1) Any trash or service area of a car wash shall be fully screened from other properties and public streets.
- (2) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned property.
- (3) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility.
- (4) Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.
- (5) All automobile car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such automobile car wash.
- (6) Hours of operation shall be between 7 AM and 9 PM in the Business District.
- (7) Hours of operation are not limited in the Industrial District.

**(b) Location**

- (1) The lot proposed for a car wash shall contain at least ten thousand (10,000) square feet and shall provide an off-street paved parking area.
- (2) Such space shall contain at least two hundred (200) square feet per waiting vehicle.
- (3) Each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
  - i. Two (2) stacking spaces for each bay in a self-service car wash.

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ii. Five (5) stacking spaces for each in-bay automatic or conveyor car wash.

(c) Access, Circulation and On-site Parking

- (1) The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street.
- (2) The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection.
- (3) Access points and driveways shall be planned and shared between properties to the greatest extent possible.
- (4) The circulation system shall provide continuous traffic flow and conflicts between major pedestrian movement and vehicular circulation shall be minimized.

### **Section 5.8 Automobile Repair And Service**

1. Automobile repair and service uses shall be subject to the following regulations:
  - (a) No portion of an automotive repair or service station or any part of their appurtenances or accessory uses, shall be placed within fifty (50) feet of any residential dwelling.
  - (b) The only vehicles which may be stored outside in connection with an auto repair business are:
    - (1) Customer vehicles awaiting service may be stored outside for a period not to exceed two weeks and a work order or some other written proof must be provided to show that the vehicle is actually awaiting service.
    - (2) Employees' personal vehicles used for travel to and from work.
    - (3) A vehicle used in connection with the auto repair operation, such as a wrecker.
  - (c) Vehicles which may not be stored outside are:
    - (1) Inoperable vehicles which are not awaiting service.
    - (2) Inoperable vehicles which are being "scrapped out" or used for replacement parts for another vehicle being repaired.
    - (3) Operable vehicles not awaiting service and not used in connection with the business.

### **Section 5.9 Cemetery**

1. Cemeteries shall be subject to the following regulations:
  - (a) A minimum of ten (10) acres is required.

## **East Bethlehem Township Zoning Ordinance**

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- (b) A drainage plan shall be submitted with the application to show existing and proposed runoff characteristics.
- (c) A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.
- (d) Plans for ingress / egress shall be supplied.
- (e) All property lines abutting residential uses shall be properly screened.
- (f) All equipment shall be properly stored in an enclosed building when not in use.
- (g) No burial sites or structures shall be located within one hundred (100) feet of an adjacent property line.

### **Section 5.10 Communications Towers**

**1.** Communication towers shall be subject to the following regulations:

- (a) Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
- (b) The height regulations of this Ordinance may be increased provided that every minimum yard setback is increased by one (1) foot for each one (1) foot of height above the maximum height. The setback requirement may be waived if the tower is equipped with a “fold point,” which, if there is a failure, would cause the failure to occur at a predetermined point. The communications towers shall not at any time exceed two hundred (200) feet.
- (c) Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) miles radius of the proposed tower site be contacted and that the applicant state the reasons why the sites would not be suitable.
- (d) Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightening, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.

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- (e) The owner of the land and tower operator will not prohibit co-location by other personal wireless service companies.
  - (f) All communication towers shall have a finish that reduces the visibility of the structure.
  - (g) Communication towers shall not have strobe lights or any illumination unless required by local, state, or federal regulation.
  - (h) The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barbwire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) hour security system.
  - (i) The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
  - (j) The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel with in a lot meeting the minimum lot size requirements for the zoning district.
  - (k) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
  - (l) The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
  - (m) The communication equipment building shall comply with the required yards and height requirements of the zoning district in which it is proposed to be located.
  - (n) The applicant shall submit certification from a registered Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
  - (o) The applicant shall demonstrate that the location of the proposed communications tower complies with all building and safety codes and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
  - (p) All guy wires associated with guyed communication towers shall be clearly marked so as to be

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visible at all times and shall be located within a fenced enclosure.

- (q) No signs or lights shall be mounted on a communications tower, except as may be required by local, state, or federal regulation.
- (r) Communications towers shall be protected and maintained in accordance with the requirements of the East Bethlehem Township Building Code.
- (s) One (1) off-street parking space shall be provided within the fenced area.
- (t) In January of each year, the owner or operator of a communications tower shall submit written verification to East Bethlehem Township that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:
  - (1) Copy of the current Federal Communications license, if applicable;
  - (2) Name, address and emergency telephone number for the operator of the communications tower;
  - (3) Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
  - (4) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the Township.
- (u) Bond for Removal Costs.
  - (1) At the time of issuance of the permit for construction of the wireless communications facility, a bond or escrow account shall be posted with the Township in an amount certified by the applicant's engineer and confirmed by the Township engineer to be sufficient to cover the costs of removing such wireless communications facility and disposing of all of its components, together with a financial security agreement authorizing the Township to use the funds to remove the facility if the facility is abandoned, and further authorizing the Township to place a lien on the premises in the event the escrow or bond is insufficient to cover the costs of removal and disposal.
  - (2) The financial security agreement shall be executed by both the applicant and the landowner.
  - (3) At the time of filing of the Annual Report required in Section (u), above, any new owner of the land or of the facility, as well as an organization utilizing the facility, shall reaffirm the validity of the financial security agreement and/or execute a new financial security agreement as may be required by the Township Solicitor.



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- (4) If the Township Zoning Officer shall find that an abandoned wireless communications facility has not been removed within ninety (90) days of the cessation of use, said officer shall give written notice to the owner of the building or premises on which such facility is located.
- (5) Removal of the facility shall be effected within fifteen (15) days after receipt of the notice. If such facility is not removed after the conclusion of such fifteen (15) day period, the Zoning Officer is hereby authorized to cause the antenna to be removed forthwith at the expense of the owner of the building or premises on which such antenna is located.
- (6) If the escrow or bond is insufficient to cover the entire cost of removal and disposal, the Township may place a lien upon the premises that may be collected in accordance with the rules for collection of municipal liens.

### **Section 5.11 Community Day Care Facility (Adult and Child)**

- 1. A Community Day Care Facility, which shall include both Adult and Child, shall be subject to the following regulations:
  - (a) Shall meet Commonwealth of Pennsylvania day care licensing requirements.
  - (b) Shall comply with all building, fire safety, health code, and business licensing requirements.
  - (c) Lot size, building size, setbacks, and lot coverage shall conform to the standards of the zoning district except if the structure is a legal nonconforming structure.
  - (d) A safe passenger loading area shall be provided.
  - (e) Signage, if any, will conform to the standards set forth in this Ordinance.
  - (f) Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
  - (g) Shall not be used as a permanent residence for any of the adults or children using the facility for temporary care.
  - (h) Location
    - (1) A day care center shall not be located within three hundred (300) feet of another day care center that is not an accessory use to a residential structure.
  - (i) Accessory Use
    - (1) A child or adult day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.
  - (j) Off-Street Parking and Loading

## **East Bethlehem Township Zoning Ordinance**

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- (1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall, fence or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
- (2) The facility shall provide for safe loading and unloading of the users of the facility.
- (3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

### **Section 5.12 Distribution Center**

1. Distribution Centers shall be subject to the following regulations:
  - (a) All sales inventory, supporting equipment, storage and display functions shall be contained and conducted within all-weather structures.
  - (b) No activities or substances of a hazardous nature shall be employed, stored or utilized in any manner that will constitute a danger to the health, safety or general welfare of site occupants, adjacent areas or the community at large.

### **Section 5.13 Dwelling, Single-Family Attached (Duplex)**

1. Attached single-family residential dwellings shall be subject to the following regulations: (a)

No more than six (6) dwelling units shall be attached.

  - (b) To break up the mass of the attached units, the front facade of each attached unit shall be treated differently, with different building materials and / or different architectural designs or treatments. These treatments shall blend in with the character of the surrounding neighborhood.
  - (c) The principal orientation of the attached single-family units shall be the public street on which the lot has frontage. There shall be at least one (1) entrance of each unit facing the public street, and the principal windows of the attached single-family units shall also face this street.
  - (d) Vehicular entrances to the attached single-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.

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## **Section 5.14 Dwelling, Multi-Family (Includes Garden Apartments, and Mid-Rise Apartments)**

1. Multi-family dwellings to include garden apartments and mid-rise apartments shall be subject to the following standards:

- (a) The area and bulk regulations under the applicable zoning district shall apply.
- (b) Multi-family dwellings consisting of multiple buildings shall adhere to the following regulations:
  - (1) The maximum length of a multi-family dwelling shall be one hundred and seventy-five (175) feet.
  - (2) Multi-family dwellings are encouraged to be located in clusters that create common open areas, rather than situated parallel to one (1) another. Where clustering is not feasible due to site conditions, there shall be no more than three (3) abutting buildings parallel to each other within the development.
  - (3) Staggered setback of dwellings and a variation in façade design shall be encouraged to offer visual variety, individualism, and some private yard area. It is recommended that no more than two (2) contiguous units shall have the same façade setback within a building. Changes in setbacks shall be a minimum of four (4) feet.
  - (4) Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open areas.
  - (5) Dwellings shall be set back a minimum of fifteen (15) feet from common parking areas and shall be set back a minimum of twenty-five (25) feet from common refuse areas.
  - (6) Dwellings must be setback a minimum of twenty-five (25) feet from the tract boundary.
  - (7) Sidewalks shall be provided to connect dwellings with parking areas, recreational/open areas, and refuse facilities.
- (c) Lighting shall be in accordance with Chapter 4 of this Ordinance.
- (d) Required parking shall adhere to those standards set forth in Chapter 4 of this Ordinance. Parking areas shall be adequately landscaped to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development. Parking lots shall be setback a minimum of twenty-five (25) feet from any right-of-way and shall be screened with landscaping. Landscaping shall be provided around the perimeter of all parking areas, except for access points and walkways.

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## **Section 5.15 Family Day Care Facility (Adult and Child)**

1. Family day care facilities shall be subject to the following regulations:
  - (a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
  - (b) Shall comply with all building, fire safety, health code, and business licensing requirements.
  - (c) Shall not be used as a permanent residence for any of the adults or children using the facility for temporary care.
  - (d) Location
    - (1) Any family care facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
    - (2) Family care facilities shall have a minimum side yard setback of at least twenty-five (25) feet.
    - (3) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
    - (4) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
  - (e) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.
  - (f) Where applicable, certification or licensing by the sponsoring agency shall be provided prior to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
  - (g) Off-Street Parking and Loading
    - (1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall, fence or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
    - (2) The facility shall provide for safe loading and unloading of children.

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- (3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

### **Section 5.16 Flea Markets**

1. Flea Markets shall be subject to the following regulations:
  - (a) An applicant shall have obtained a valid zoning permit to conduct a flea market.
  - (b) The flea market shall be located on an arterial or collector street.
  - (c) The flea market shall maintain restroom facilities and shall comply with Pennsylvania Department of Environmental Protection facilities regulations.
  - (d) The flea market shall have adequate on-site parking, including areas for customer parking and vendor loading/unloading. Required parking shall be one (1) space for every two hundred (200) square feet of indoor / outdoor sales area.
  - (e) The flea market shall maintain an opaque fence of at least six (6) feet in height around the perimeter of the market area.

### **Section 5.17 Garden Centers and Nurseries**

1. All garden centers, public or commercially operated greenhouses and /or nurseries shall be subject to the following regulations:
  - (a) Shall have vehicular access to an arterial or collector road.
  - (b) The display and sale of items not grown on the premises shall be incidental to the nursery or greenhouse operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property.
  - (c) The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
  - (d) All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
  - (e) All structural improvements, including parking and loading facilities, but not including a freestanding sign, shall be screened from adjoining residentially zoned properties.
  - (f) One (1) freestanding or attached sign may be permitted advertising the business.
    - (1) Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines.

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## **Section 5.18 Group Residential Facility**

1. Group Residential Facilities shall be subject to the following regulations:
  - (a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
  - (b) Shall comply with all building, fire safety, health code, and business licensing requirements.
  - (c) Location
    - (1) Any facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
    - (2) Group Residential Facilities shall have a minimum side yard setback of at least twenty-five (25) feet.
    - (3) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
  - (d) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
  - (e) Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.
  - (f) Where applicable, certification or licensing by the sponsoring agency shall be provided prior to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
  - (g) Off-Street Parking and Loading
    - (1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall, fence or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
    - (2) The facility shall provide for safe loading and unloading of residents.
    - (3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

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## **Section 5.19 Home Occupation**

1. A home occupation (as defined in Chapter 2, Definitions) shall be subject to the following regulations:
  - (a) No more than two (2) persons other than the residents of the dwelling shall be employed in the conduct of the home occupation unless deemed appropriate by the Zoning Hearing Board.
  - (b) Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.
  - (c) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
  - (d) There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from site.
  - (e) There shall be allowed one (1) on-site non-illuminated identification sign not to exceed four (4) square feet.
  - (f) Permitted home occupations.
    - (1) Limited retail sales or personal services.
    - (2) Limited service providers (such as accountants, lawyers, etc.)
    - (3) Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.
    - (4) Instructional services, provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more four (4) students at any one time and no more than two (2) trips per hour.
    - (5) Family Day Care Homes, as provided for in Section 5.15 of this Ordinance.

## **Section 5.20 Kennel**

1. Kennels shall be subject to the following regulations:
  - (a) The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity, and number of animals.
  - (b) There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
  - (c) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from adjacent lots.
  - (d) The perimeter of the exterior exercise area must be fenced with a weatherproof material, which

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is a minimum of five (5) feet in height and accessible only through a self-latching gate.

- (e) Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- (f) No kennel may be established within one-half (1/2) of a mile of an existing kennel.
- (g) A kennel shall be located on a lot with a minimum lot area of two (2) acres.
- (h) All kennels shall operate under a plan approved by the Township for the disposal of animal waste.
- (i) At no time shall animals be permitted to run loose on the lot other than in a completely enclosed area.
- (j) The Zoning Hearing Board reserves its right to attach any additional conditions of approval pursuant to this section in order to protect the public's health, safety and welfare.
- (k) Approval as a special exception shall be subject to periodic inspections to ensure compliance with the conditions of approval.

### **Section 5.21 Marina**

1. Marinas shall be subject to the following regulations:
  - (a) Each boat slip shall be accessible by at least one (1) catwalk.
  - (b) A minimum of one (1) parking space shall be provided for each four (4) boat slips.
  - (c) Applicable permits to comply with all state and federal requirements shall be provided.
  - (d) Dry boat storage areas shall not exceed 20% of the land.
  - (e) Fuel dispensing areas may be located on the marina site provided that access by the fuel trucks is provided via non-residential streets. There shall be no permanent docking within thirty (30) feet of the fuel pumps or other fuel equipment. Fuel storage tanks shall not exceed 10,000 gallons in capacity, and shall meet all state and federal safety guidelines and shall not be located within 100 feet of any residential use.

### **Section 5.22 Methadone Treatment Facility**

1. Methadone treatment facilities shall be subject to the following regulations:
  - (a) A methadone treatment facility shall not be permitted within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, unless by majority vote, the East Bethlehem Township Board of Commissioners votes in favor of the issuance of an occupancy



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permit or certificate.

- (b) At least fourteen (14) days prior to the East Bethlehem Township Board of Commissioners voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within East Bethlehem Township following public notice.
- (c) All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.

### **Section 5.23 Nightclubs**

- 1. Nightclubs shall be subject to the following regulations:
  - (a) Nightclubs shall cease operations between the hours of 2:00 AM and 7:00 AM.
  - (b) There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
  - (c) All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
  - (d) The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy allowed by the Township Building or Fire Codes for the nightclub exceeds one hundred (100) persons.
  - (e) Any nightclub that proposes a maximum permitted occupancy allowed by the Building or Fire Codes of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line that adjoins a residential zoning classification.
  - (f) Any nightclub that offers adult entertainment, as defined herein, shall be further subject to Section 5.2 of this Chapter.

### **Section 5.24 Nursing Home and Related Health Care Facilities**

- 1. Nursing homes shall be subject to the following regulations:
  - (a) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in

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a particular case.

- (b) Shall comply with all building, fire safety, health code and business licensing requirements.
- (c) Minimum parcel size is one (1) acre.
- (d) The maximum dwelling unit density shall be twelve (12) rooms per acre.
- (e) The facility may include the following supporting uses:
  - (1) Common leisure and/or recreational areas
  - (2) Common dining area
- (f) Location
  - (1) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
  - (2) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the East Bethlehem Township Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- (g) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (h) Off-street parking shall be as required by the provisions set forth in Chapter 4 of this Ordinance.
- (i) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and East Bethlehem Township. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

### **Section 5.25 Parking Lots**

- 1. Parking Lots shall be subject to the following regulations:
  - (a) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and to define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
  - (b) Landscaped areas shall be required within the interior parts of all parking lots designed to accommodate ten (10) or more cars.

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- (c) At least ten (10) percent of the parking lot shall be landscaped and continually maintained.
- (d) Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes, to act as a barrier against wind-borne debris and dust, to provide shade, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking area.
- (e) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.
- (f) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing, or other approved barriers.
- (g) Landscaping in parking areas shall provide moderately dense shade in summer. Trees with large leaves which could clog storm drains should be avoided. Trees that are brittle, disease-prone, have low, spreading branches or shallow root systems, which drop large fruit or much sap, or which are otherwise messy shall also be avoided. New trees shall be healthy nursery stock.
- (h) Planting islands and planting strips shall meet the following planting requirements:
  - i. Planting islands shall be a minimum of ten (10) feet by (20) feet in area, underlain by soil (not base course material); mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope; and protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area.
  - ii. All planting strips shall be a minimum of ten (10) feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope, and shall be protected by curbs, wheel stops or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of thirty (30) feet to forty (40) feet, plus a significant mix of shrubs and groundcovers to cover the entire area at maturity.
- (i) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

### **Section 5.26 Public Utility / Structure**

1. Public utility facilities and / or structures shall be subject to the following regulations:
  - (a) The required lot area and location shall be specified as part of the special exception permit and be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.
  - (b) If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with densely planted evergreen hedge or other shielding material may be required in a manner consistent with such

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findings.

## **Section 5.27 Refuse and Waste Collection Areas**

1. Refuse and Waste Collection Areas shall be subject to the following regulations:
  - (a) The applicant shall provide copies of state and federal permits for these activities; copies of Material Safety Data Sheets (MSDS) for each material; any National Pollutant Discharge Elimination System (NPDES) permits or violations, and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county or local laws.
  - (b) No facility shall be located within fifteen hundred (1,500) feet of any existing residence except the residence of the facility owner.
  - (c) All facilities shall be located a minimum of one hundred twenty-five (125) feet from any street right-of-way.
  - (d) A minimum eight (8) foot high chain link fence around the perimeter facility shall be provided.

## **Section 5.28 Recreation, Commercial Indoor**

1. Recreation, Commercial Indoor shall be subject to the following regulations:
  - (a) A minimum of one half (.5) acre shall be required.
  - (b) All principal structures shall be located at least forty (40) feet from any property line.
  - (c) All lighting shall be shielded from adjacent residential streets and properties.
  - (d) Any facility located within one hundred (100) feet of a residential property shall not be permitted to operate between the hours of 12:00 a.m. and 7:00 a.m.

## **Section 5.29 Research and Development, Engineering or Testing Facility or Laboratory**

1. Research and Development, Engineering or Testing Facilities or Laboratories shall be subject to the following regulations:
  - (a) Shall have one (1) point of ingress and egress to an arterial road.
  - (b) Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance.

## **Section 5.30 Retail Store Over 25,000 Square Feet**

1. Shopping centers and retail stores over twenty-five thousand (25,000) square feet shall be subject to the following regulations:

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- (a) The area and bulk regulations for the applicable zoning districts shall apply.
  - (b) Primary access shall be from a collector or arterial street.
  - (c) Parking shall be in accordance with Chapter 4.
  - (d) Shopping center or retail uses including parking and service areas shall be fully screened from all adjacent residential uses and districts.
  - (e) Lighting shall comply with standards set forth in Chapter 4 of this Ordinance.
  - (f) Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
  - (g) Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
  - (h) Sidewalks shall be provided along all street frontage, in front of all stores and commercial uses, and pedestrian access to sidewalks on or adjacent to the property.

### **Section 5.31 Storage Sheds**

- 1. Storage sheds shall be subject to the following regulations:
  - (a) Sheds shall be an accessory use to a residential property only.
  - (b) Sheds shall set back at least five (5) feet from the principal building.
  - (c) Sheds shall set back at least four (4) feet from the rear property line.
  - (d) Sheds shall set back at least two (2) feet from the side property line unless the proposed shed is on the street side of a corner lot, in which case the setback shall be fifteen (15) feet from the street side property line.
  - (e) The maximum area of a detached storage shed shall not exceed four hundred (400) square feet. The area occupied by all accessory buildings in a rear yard shall not exceed forty (40) percent of the area of the rear yard.
  - (f) The maximum height of a detached storage shed shall not exceed ten (10) feet. For roofs with a slope greater than one (1) inch to the foot, the height is measured as the average of the height to the top plate and the roof ridge.

### **Section 5.32 Swimming Pools**

- 1. Swimming pools shall be subject to the following regulations:
  - (a) No swimming pool may be located within ten (10) feet of any property line.
  - (b) The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet high in height

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and shall be maintained in good condition.

- (c) An above ground pool that has a top edge four (4) feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to above ground swimming pool is to be removed or locked when the swimming pool is unattended.
- (d) Swimming pools shall be equipped with an adequate filtration system.
- (e) A zoning permit issued by the Township is required to construct and locate a swimming pool.

### **Section 5.33 Wind Turbines**

1. Wind Turbines shall be subject to the following regulations:
  - (a) The zoning permit application shall indicate the location of the proposed facility.
  - (b) The applicant shall demonstrate that the proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
  - (c) Construction of any wind-energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
  - (d) To the extent applicable, all wind-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
  - (e) All electrical components of wind-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
  - (f) Wind-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - (g) Wind-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
  - (h) Transmission and power lines shall be placed underground or out of sight.
  - (i) Setbacks.
    - (1) From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
    - (2) From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
    - (3) From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.

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- (4) Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
- (5) Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than 10 feet to any property line or the distance set forth above, whichever is greater.
- (j) Maximum height: where the facility is an independent structure and not mounted to a building, 120 feet maximum height, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be 10 feet higher than the tallest point on the building.
- (k) Minimum vertical clearance between ground level and the lowest movable component of the wind-energy facility when at its lowest point: 15 feet.
- (l) The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five square feet.

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## Chapter 6

### Sign Regulations

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#### **Section 6.1 Purpose**

1. The purpose of this Chapter is to encourage the proper placement, size, type, and illumination of signs for the enhancement of the community. These provisions also seek to recognize and preserve the unique qualities of East Bethlehem Township and to mitigate the adverse effects signage can have on these qualities.

#### **Section 6.2 Applicability**

1. The provisions set forth herein shall apply to all zoning districts.
2. Sign regulations shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.
3. No sign shall be painted, placed, or replaced without first meeting the standards set forth herein.

#### **Section 6.3 General Regulations**

1. Sign Area.
  - (a) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
  - (b) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
  - (c) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.



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## 2. Height of a Sign.

- (a) The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

## 3. Sign Structure.

- (a) Sign structures shall be in keeping with the architectural style of the building that it is related to.
- (b) A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

## 4. Location of Signs.

- (a) No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
- (b) No projecting sign shall extend into the cartway of the right-of-way, or be less than ten (10) feet above a pedestrian way.
- (c) No wall sign shall project more than twelve (12) inches beyond the edge of the building.
- (d) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
- (e) Signs, not including historical markers and banners approved by East Bethlehem Township shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of one (1) square foot.

## 5. Materials.

- (a) Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

## 6. Illumination of Signs. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:

- (a) Where permitted, illumination may be:
  - (1) External. Illumination of a sign, with an external light, shall be so shielded that the

## East Bethlehem Township Zoning Ordinance

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source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.

- (2) Internal. Sign lettering may be back-lit, halo-lit illumination, or reverse channel letters with halo illumination.
  - (b) Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed five hundred (500) feet.
  - (c) Neon lighting is not permitted in residential districts.
- 7. Construction of Signs.**
- (a) Every sign permitted in this article must be kept in good condition and repair as determined by East Bethlehem Township Zoning Officer.
  - (b) A sign using electricity shall be installed in conformance with the UCC. All signs not attached to a building shall be connected by underground service only.
- 8. Removal of Signs.** A sign shall be found to be in violation of this Ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:
- (a) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.
  - (b) The sign has been erected without an applicable permit or does not comply with the other requirements of this Ordinance.

### **Section 6.4 Billboards**

- 1.** All billboards shall be subject to the following regulations:
- (a) All billboards shall conform to the basic sign regulations and requirements set forth above.
  - (b) Location
    - (1) Billboards shall only be allowed in Industrial and Business zoning districts and shall be the only use on the property.
    - (2) No more than one (1) billboard shall be located on a property.
  - (c) Dimensions
    - (1) The maximum height for the billboard shall be no more than twenty (20) feet measured from the ground to the top of the sign.

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(2) Surface area of for billboard signs shall not exceed two hundred (200) sq. ft. per side.

## **Section 6.5 Prohibited Signs and Illumination**

1. Prohibited Signs. It shall be unlawful, upon or after the effective date of this Ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within East Bethlehem Township:
  - (a) Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
  - (b) Signs erected without the permission of the property owner or authorized agent.
  - (c) Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
  - (d) Any sign that obstructs free ingress or egress from a door, window, fire escape or other exitway.
  - (e) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by East Bethlehem Township.
  - (f) Signs containing beacon lights.
  - (g) Roof signs.
  - (h) Any sign inconsistent with this Ordinance.
  - (i) Off-lot directional signs.

## **Section 6.6 Signs exempt from permits**

1. The following shall not require sign permits:
  - (a) Government flags, insignia or decorative banners.
  - (b) Legal notices of a governmental agency.
  - (c) Directional signs provided they do not contain advertising, (including logos), do not exceed four (4) square feet, and do not obstruct the sight triangles at internal intersections on the premises.
  - (d) Public monument, plaque or historic identification marker erected by a government agency.
  - (e) All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this Chapter. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided the sign does not contain any advertising, trade names or logos.

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- (f) Professional accessory use or nameplate signs provided that signs shall not be illuminated and shall not exceed two (2) square feet in sign area. Not more than one sign shall be erected for each permitted use.
- (g) Home security signs, not exceeding one (1) square foot.
- (h) Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding three (3) square feet in area.
- (i) Menus and signs indicating business hours provided signs shall not exceed two (2) square feet and that signs shall be located in a permanently mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.
- (j) Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total sign area shall not exceed two (2) square feet and shall be spaced at intervals of not less than one hundred (100) feet of street frontage.
- (k) Political signs, provided that they do not exceed four square feet in area, are placed on private property not more than sixty (60) days prior to the election or referendum and are removed within ten (10) days after an election or referendum. No political sign shall be placed on Township property, except as hereafter provided, or on any property or pole for which permission has not been received from the owner. On election days, political signs may be placed on Township property being used as an official polling place. Such signs may be placed no earlier than 5:00 p.m. the day preceding the election and must be removed no later than 8:00 a.m. the day following the election. Larger signs for political purposes shall be considered off-premises signs and regulated as such.
- (l) Temporary signs, including the following:
  - (1) Civic event signs and banners on public and private property, which shall be removed within seventy-two (72) hours after the event and which shall not be erected more than thirty (30) calendar days prior to the event.
  - (2) Artisan signs, erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided that such signs shall not exceed twelve (12) square feet, and provided that not more than one (1) such sign shall be erected on any property in single and separate ownership. Signs shall be removed upon the completion of the work.
  - (3) Signs advertising garage or yard sales, provided no sign shall exceed six (6) square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one (1) per street frontage. Signs shall not be placed more

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than fourteen (14) days prior to the garage or yard sale and shall be removed at the close of the garage or yard sale.

- (4) Real estate signs advertising the sale or rental of the premises upon which the sign is erected, provided that the sign shall not exceed six (6) square feet in sign area on any one (1) street frontage of any property in single and separate ownership.
- (5) Sandwich Boards according to the following regulations:
  - i. Signs shall not exceed eight (8) square feet.
  - ii. Signs are permissible along the sidewalk, provided a minimum walking distance of five (5) feet shall be maintained to allow for a pathway for pedestrians.
  - iii. Only one (1) sandwich board will be permitted in front of the business it advertises.
  - iv. Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds.
  - v. Sandwich boards shall be taken indoors at the close of business each day.

### **Section 6.8 Sign Permits**

#### **1. Permit Procedures**

- (a) It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with East Bethlehem Township an application in writing, which application shall contain the information required by East Bethlehem Township on its Application for Permit. The following shall be provided:
  - (1) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
  - (2) Two copies of a plan drawn to scale depicting:
    - i. The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
    - ii. The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
    - iii. Such other information as required by East Bethlehem Township Zoning Officer.

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## **Chapter 7**

### **Non-Conforming Lots, Structures, and Uses**

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#### **Section 7.1 Purpose**

1. This purpose of this Chapter is to set forth standards and regulations regarding nonconforming uses, structures, and lots. These standards shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

#### **Section 7.2 General Regulations**

1. These regulations shall apply to any use of a structure or lot in any Zoning District that is nonconforming as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another, these regulations shall apply to any uses, structures or lots which thereby become nonconforming.
2. Where, at the effective date of enactment or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Ordinance.
3. All nonconforming structures may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction and be completed within 2.5 years of the destruction. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of Section 7.3 herein are met.
4. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of enactment or amendment of this Ordinance.
5. Any nonconforming use may be extended throughout any part of a structure that was designed

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for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

6. Nothing in this Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises or construction of a structure or building in violation of zoning regulations in existence at the time of enactment of this Zoning Ordinance.

### **Section 7.3 Changes to a Non-Conforming Use or Structure**

1. Single-family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.
2. No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of enactment or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.
3. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by conditional use by the Board of Commissioners or special exception by the Zoning Hearing Board in accordance with the following standards:
  - (a) The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
  - (b) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
  - (c) Any change from one nonconforming use to another use shall comply with the parking requirements of Chapter Four of this Ordinance for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
  - (d) When a nonconforming use is changed to a conforming use, the use thereafter shall not be

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changed to a nonconforming use.

- (e) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

## **Section 7.4 Abandonment**

1. When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located, except that when the discontinuance was beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Hearing Board may, when application is made not later than one (1) year from the date the use was discontinued, approve an extension of not more than one (1) additional year within which the use may be resumed. No additional extensions may be approved.
2. Abandonment does not apply to properties wherein the owner can provide proof on a quarterly basis to the Zoning Officer that a new tenant or owner is actively being sought.

## **Section 7.5 Nonconforming Structures**

1. A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.
2. Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of Section 7.3 herein are met.
3. Should a nonconforming structure be moved, it shall thereafter conform to the requirements of the Zoning District in which it is located.

## **Section 7.6 Nonconforming Lots**

1. Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located,



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without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

2. Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

### **Section 7.7 Nonconforming Signs**

1. No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto.
2. Whenever any use of a building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within thirty (30) days.
3. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than fifty-one percent (51%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance. Replacement cost shall be determined by the Engineer upon request by the Township. The Engineer shall inspect the sign and submit a report to the Zoning Officer within five (5) working days of the Township's request. The cost of the services of the Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of the Board of Commissioners.
4. A nonconforming sign must be removed within thirty (30) days after notification by the Zoning Officer or be made to conform to this Ordinance in every respect whenever:
  - (a) It is not securely attached to the ground, wall or roof and can be easily moved or damaged, or
  - (b) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by East Bethlehem Township, or
  - (c) It is abandoned by the owner or the use is abandoned.
  - (d) All costs and expenses of removal shall be the obligation of the Owner(s) of said property and the Township may proceed to collect said costs and expenses by any legal procedure that the Township deems advisable, including, without limitation, the filing of a municipal lien.

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## **Section 7.8 Registration of Nonconformity**

1. The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Township Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Washington County Assessor's Tax Parcel Number as a legal nonconforming use.
2. In the course of administering this Ordinance and reviewing applications for zoning permits, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

## **Section 7.9 Disclaimer**

1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Ordinance are met.

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## Chapter 8

### Procedures, Administration and Enforcement

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#### **Section 1 Procedures**

##### **1. GUIDELINES**

- (a) No use of vacant land shall be made, nor shall any building or structure hereafter constructed, erected or structurally altered be occupied or used, nor shall any existing use of a building, structure or land be changed until a Zoning Permit, Building Permit, or Occupancy Permit has been issued by the appropriate township official.
- (b) A Zoning Permit, Building Permit, or Occupancy Permit shall not be issued unless the application demonstrates compliance with this Chapter and all other applicable requirements of East Bethlehem Township and other applicable laws.
- (c) Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (d) No Building Permit, Occupancy Permit or other permit for the erection, construction, repair or alteration of a building or structure shall be issued before application has been made for a Zoning Permit.
- (e) All applications for a Zoning Permit, Building Permit, or Occupancy Permit shall be made on printed forms to be furnished by the Township and shall contain accurate information including:
  - (1) The size of and location of the lot; the size and location of the buildings or structures on the lot;
  - (2) The dimensions of all yards and open spaces; and
  - (3) Such other information as may be required by the Township as necessary to provide for the enforcement of this Chapter.

##### **2. ZONING PERMIT**

- (a) A Zoning Permit shall be required prior to any of the following:
  - (1) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of

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requirements for issuance of a building permit, including placement of a mobile home on a property.

- (2) Change in use, ownership or occupancy of any building or structure, or portion thereof.
- (3) Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
- (4) Change in use or expansion of a nonconforming structure, or portion thereof.
- (5) Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.

### **(b) Permit Expiration**

- (1) A Zoning Permit issued under the authority of this Ordinance shall expire and become invalid if the authorized work or utilization of the property has not commenced within one (1) year after the issuance of the permit, or if the authorized work or utilization of the property has been suspended or abandoned for a period of one (1) year or more after the commencement of work or utilization of the property.
- (2) The permit may be renewed for an additional six (6) months by the Zoning Officer in the event the applicant has shown good cause for the delay.

### **3. BUILDING PERMIT**

- (a) No structure shall be constructed, altered, added to in any way, relocated or demolished or the use of any structure changed or industrial or public water supply wells drilled, nor shall any unoccupied open areas of any lot be utilized, whether by patios, swimming pools or parking areas, other than for residences or other uses, until a building permit is secured from the Township Code Official.
- (b) No building permit shall be valid or effective after six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and proceeded with, with due diligence. If, however, the landowner and/or developer has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed for an additional six (6) months.

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- (c) Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Township Code Official only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

#### **4. OCCUPANCY PERMIT**

- (a) It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Township Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended, has issued an Occupancy Permit. An Occupancy Permit shall be required under the following circumstances:
  - (1) Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered or enlarged for which a building permit is required.
  - (2) Change in occupant or tenant of any building or structure in any commercial or industrial building or structure, or portion thereof.
  - (3) Change in use or expansion of a non-conforming use or structure, or portion thereof.
  - (4) Use of land or change in use thereof, except that the placing of vacant land under cultivation shall not require an Occupancy Permit.
- (b) The Township Code Official may issue a temporary Occupancy Permit that allows the use or occupancy of a building or structure during structural alteration thereof or allows the partial use or occupancy of a building or structure during its construction or erection.
  - (1) The temporary Occupancy Permit shall be valid only for a period not exceeding six (6) months from the date of its issuance. It shall be subject to such restrictions and provisions as may be deemed necessary by the Township Code Official to adequately insure the safety of persons using or occupying the building, structure or land involved. The permit may be renewed for an additional six (6) months at the discretion of the Township Code Official.
  - (2) Application for a temporary Occupancy Permit shall be made in the same manner as for an Occupancy Permit and the application for, or issuance of, a temporary Occupancy Permit shall in no way affect the obligation to apply for, and obtain an, Occupancy Permit nor in any way alter the rights, duties and obligations of the municipality or the owners and users of

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buildings, structures or land within the municipality with regard to the matters governed by this Ordinance except as expressly set forth in this Chapter.

## **5. CONDITIONAL USES**

- (a) The East Bethlehem Township Board of Commissioners shall hear and decide all requests for Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed within this Ordinance and conditions for development prescribed by the Board of Commissioners.
- (b) The landowner shall file a request for the granting of a Conditional Use along with all photos, maps, plans (site, floor, elevations, etc.), and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance and the Comprehensive Plan with the Township. Said request shall be filed on a form furnished by the Township and shall be accompanied by a fee in accordance with the schedule fixed by resolution by the Township. No request shall be officially received until the application form is completed in full and the fee is paid.
- (c) The Board of Commissioners shall receive the request as well as all documentation at least forty-five (45) days prior to the scheduled public hearing.
- (d) The Board of Commissioners shall schedule a public hearing pursuant to public notice within sixty (60) days of the filing of the request in accordance with this Article and the provisions of the Pennsylvania MPC.
- (e) The Board of Commissioners shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (f) In granting a Conditional Use, the Board of Commissioners may attach such reasonable conditions and criteria, other than those related to offsite transportation or road improvements as defined in the Pennsylvania Municipalities Planning Code, in addition to those expressed in this Ordinance,

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as it may deem necessary to implement the purposes of the Pennsylvania MPC and this Ordinance.

- (g) Approval of a Conditional Use by the Board of Commissioners shall be void in the event that a Building Permit is not applied for within twelve (12) months and construction is not started within eighteen (18) months of the date of approval. An extension of up to six (6) months for the Building Permit may be granted by the Zoning Officer in the event the applicant has shown good cause for the delay.
- (h) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.
- (i) In addition to the standards and criteria governing the allowance of Conditional Uses herein before authorized:
  - (1) The proposed use conforms to the applicable regulations of the Zoning District in which it will be located.
  - (2) The proposed use should not cause undue noise, glare, or pollution of the surrounding areas, as determined by the Board of Commissioners, upon recommendation by the Township Engineer and Township Planning Commission.
  - (3) Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in the zoning district in which it will be located.
  - (4) Any visual or functional conflicts between the proposed use and surround existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Board of Commissioners to minimize potential conflicts, or to reduce anticipated levels of noise, light, or pollution. Visual and functional conflicts include, but are no limited to, loading docks, parking lots, service driveways, signs, or large nonresidential buildings adjacent to residential neighborhoods or open space areas.

# East Bethlehem Township Zoning Ordinance

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## **6. SPECIAL EXCEPTIONS**

- (a) The Zoning Hearing Board shall hear and decide requests for Special Exceptions in those cases where this Ordinance indicates a Special Exception may be granted subject to compliance with both the expressed standards and criteria identified for the use in this Ordinance.
- (b) The landowner shall file a written request for a Special Exception upon a form furnished by the Zoning Officer and shall pay a fee in accordance with the schedule fixed by resolution by the Township. No application shall be considered officially received until the application is completed in full and the fee has been paid.
- (c) The Zoning Hearing Board shall schedule a hearing pursuant to public notice within sixty (60) days of the filing of the request in accordance with this Chapter and the provisions of the Pennsylvania MPC.
- (d) The Zoning Hearing Board shall render a written decision or, when no decision is called for; make written findings on the special exception application within forty-five (45) days after the last hearing. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (e) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.
- (f) In granting the Special Exception the Zoning Hearing Board shall determine:
  - (1) That the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area is adequately safeguarded.
  - (2) That the applicant has shown that the proposed special exception will serve the best interests of East Bethlehem Township, the convenience of the community, and the public welfare.
- (g) In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions



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and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings, and its maintenance as a sight or sound screen, the minimizing of noxious, offensive, or hazardous elements, adequate standards or parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.

- (h) Approval of Special Exception by the Zoning Hearing Board shall be void in the event that a Building Permit is not applied for within twelve (12) months and construction is not started within eighteen (18) months of the date of approval. An extension of up to six (6) months for the Building Permit may be granted by the Zoning Officer in the event the applicant has shown good cause for the delay.

## **7. Variances**

- (a) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The following procedures will be followed:
  - (1) The landowner shall file a written request for a variance on a form provided by the Zoning Officer and shall pay a fee in accordance with the schedule fixed by resolution by the Township. No application is considered officially received until the form is completed and the fee has been paid.
  - (2) The hearing shall be conducted in accordance with this Ordinance and the Pennsylvania MPC.
  - (3) The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case.
    - i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
    - ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

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- iii. That such unnecessary hardship has not been created by the appellant.
  - iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - v. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (b) In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

### **8. Failure to Render a Decision**

- (a) Where the Board of Commissioners or Zoning Hearing Board fails to render a decision within the required forty-five-day period or fails to commence or complete the required hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, or on the record to an extension of time.
- (b) When a decision has been rendered in favor of the applicant because of failure of the Board of Commissioners or Zoning Hearing Board to meet or render a decision, the Board of Commissioners or Zoning Hearing Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner provided herein. If the Board of Commissioners or Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

### **9. Notice of Violation**

- (a) If it appears that a violation has occurred, East Bethlehem Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- (b) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

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- (1) The name of the owner of record and any other person against whom the municipality intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

## **Section 2 Administration**

### **1. ZONING OFFICER**

- (a) For the administration of the East Bethlehem Township Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The zoning officer shall meet qualifications established by East Bethlehem Township and shall be able to demonstrate to the satisfaction of East Bethlehem Township a working knowledge of municipal zoning.
  - (1) The Zoning Officer shall administer the Zoning Ordinance and amendments hereto, in accordance with its literal terms, and shall not have the power to permit any construction or use which does not conform to this ordinance or other laws of the Commonwealth of Pennsylvania.
- (b) It shall be the duty of the Zoning Officer and he or she shall have power to:
  - (1) Keep a record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto.
  - (2) Administer and enforce the provisions of the Zoning Ordinance with the aid of Township staff, if needed.

## **East Bethlehem Township Zoning Ordinance**

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- (3) Review all applications for zoning permits, and issue permits when there is compliance with the provisions of this Ordinance. The Zoning Officer may condition the issuance of a Zoning Permit upon the applicant proving compliance with other applicable regulations.
  - (4) Conduct inspections and surveys to determine the compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building.
  - (5) Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by certified mail.
  - (6) Maintain a map showing the current zoning classification of all land.
  - (7) Participate in all proceedings before a Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
  - (8) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
  - (9) Identify and register nonconforming uses, structures, and lots, together with the reasons why the zoning officer identified them as nonconformities.
- (c) Any appeals from a decision or other action of the Zoning Officer may be made to the Zoning Hearing Board in accordance with law.
- (d) In the event that any building, structure, parcel, or area of land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ordinance, the Zoning Officer, with the approval of the Board of Commissioners, in addition to any other remedies permitted under this ordinance, shall be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment in the name of East Bethlehem Township any appropriate action or proceeding, to prevent, restrain, correct, or abate any such building, structure, parcel, or area of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

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## **2. ZONING HEARING BOARD**

- (a) The membership and organization of the Zoning Hearing Board and the appointment of alternate members to the Board shall be as provided in the Pennsylvania Municipalities Planning Code as now in effect or as hereafter amended.
- (b) The membership of the Zoning Hearing Board shall consist of three residents of the Township appointed by the Board of Commissioners. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Commissioners when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as Zoning Officer, nor shall any member be an employee of the Township.
- (c) The Board of Commissioners may appoint by resolution at least one, but no more than three, residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as Zoning Officer, nor shall any alternate be an employee of the Township.
- (d) The Chairman of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified members as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- (e) Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Board of Commissioners taken after the member has received 15 days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- (f) The organization of Zoning Hearing Board shall be as follows:

## **East Bethlehem Township Zoning Ordinance**

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- (1) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- (2) For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when members of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.
- (3) The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.
- (4) The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. Copies of rules, regulations and forms adopted by the Board shall be prepared and shall be made available for inspection by any interested person in the Municipal Office.
- (5) The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Commissioners once a year.

### **(g) Responsibilities**

- (1) The Zoning Hearing Board shall conduct hearings and render decisions, after giving such notice as required by law, in the manner prescribed by the Pennsylvania Municipalities Planning Code as now established or as hereafter amended.
- (2) The Zoning Hearing Board shall hear and decide appeals where it is alleged by the Applicant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or any valid rule or regulation governing the act of the Zoning Officer. Nothing contained herein shall be construed to deny the applicant the right to proceed directly to court.
- (3) The Zoning Hearing Board shall hear requests for variances from the provisions of this chapter and shall hear appeals from actions of the Zoning Officer when authorized under the Pennsylvania Municipalities Planning Code or this chapter as the same are now established or as hereafter amended.
- (4) The jurisdiction of the Zoning Hearing Board shall be as set forth in the Municipalities Planning Code, as amended and other applicable law.

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## 3. PLANNING COMMISSION

- (a) The Board of Commissioners of East Bethlehem Township shall serve as the Planning Commission in the manner prescribed by the Pennsylvania Municipalities Planning Code, as now enacted or as may hereafter be amended.
- (b) The Planning Commission may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. Copies of rules, regulations and forms adopted by the Planning Commission shall be prepared and shall be made available for inspection by any interested person in the Municipal Office.
- (c) The term of each of the members of the Planning Commission shall be for four years, or until his / her successor is appointed and qualified, except that the terms of the members first appointed pursuant to this ordinance shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year.
- (d) The chairman of the Planning Commission shall promptly notify the Board of Commissioners concerning vacancies in the commission, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this chapter.
- (e) Should East Bethlehem Township determine to increase the number of members of an already existing planning commission, the additional members shall be appointed as provided in this chapter. Any increase shall be by ordinance.
- (f) Duties of the East Bethlehem Township Planning Commission shall include:
  - (1) The preparation and amendment of the Zoning Ordinance
  - (2) The review of any proposed amendments to the Zoning Ordinance, including the Zoning Map.
  - (3) The review of all applicable matters relating to lot line changes, subdivisions, land developments, planned residential developments, or conditional use requests, provide testimony to the Zoning Hearing Board, or any other matter of a planning or zoning nature as prescribed within the MPC.
  - (4) The Planning Commission shall function as an advisory body in accordance with the purpose and intent of the Pennsylvania Municipalities Planning Code as now enacted or as hereafter amended.

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- (5) The Planning Commission shall perform such advisory functions and in the performance of such advisory functions as so requested shall have such powers and duties as are granted and established by the Pennsylvania Municipalities Planning Code as now enacted or as hereafter amended.

## **4. ZONING ORDINANCE AMENDMENTS**

- (a) The regulations, restrictions, boundaries and requirements set forth in this Ordinance may be amended, supplemented, changed, or repealed, through amendment by the East Bethlehem Township Board of Commissioners, from time to time.
- (b) This Ordinance may be amended in accordance with the applicable procedures of the Pennsylvania Municipalities Code, as amended.
- (c) Before voting on the enactment of an amendment, East Bethlehem Township shall hold a public hearing, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer at points deemed sufficient along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that notice be posted where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of East Bethlehem Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- (d) In the case of an amendment other than that prepared by the Planning Commission, East Bethlehem Township shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- (e) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, East Bethlehem Township shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- (f) A mediation option may be offered as an aid in completing proceedings. In exercising such an



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option, East Bethlehem Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

- (g) Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Washington County Planning Commission.

## **8.2.5 CURATIVE AMENDMENTS**

### **(a) Landowner Curative Amendments**

- (1) A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to East Bethlehem Township with a written request that his challenge and proposed amendment be heard and decided as provided in accordance with the Pennsylvania Municipalities Planning Code (MPC). The governing body shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the East Bethlehem Township Planning Commission and the notice of the hearing thereon shall be given as provided in accordance with the MPC.
- (2) The public hearing shall be conducted in accordance with the MPC. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire East Bethlehem Township Zoning Ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- (3) If East Bethlehem Township has determined that a validity challenge has merit, the municipality may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Township shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - i the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - ii 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

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available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

- iii the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- iv 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; and
- v the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

### (b) Municipal Curative Amendments

(1) If East Bethlehem Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- i Declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal East Bethlehem Township shall by resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
  - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
  - b. reference to a class of use or uses which require revision; or
  - c. reference to the entire ordinance which requires revisions.
- ii Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

(2) Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions of the MPC in order to cure the declared invalidity of the zoning ordinance.

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- (3) Upon the initiation of the procedures, East Bethlehem Township shall not be required to entertain or consider any landowner's curative amendment filed under the provisions of the MPC nor shall the zoning hearing board be required to give a report requested under the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution. Upon completion of the procedures as set forth in the MPC, no rights to a cure shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment enacted.

## **6. MEDIATION**

- (a) Parties to proceedings authorized in this Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- (b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- (1) Funding mediation;
  - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
  - (3) Completing mediation, including time limits for such completion;
  - (4) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code.
  - (5) Identifying all parties and affording them the opportunity to participate;
  - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;

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- (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this Ordinance.
- (c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

### **8.2.7 FEES AND EXPENDITURES**

- (a) The Board of Commissioners may appropriate funds to finance the preparation of the zoning ordinance and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the zoning hearing board.
- (b) The Board of Commissioners 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 Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (c) The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- (d) Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Board of Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners.
- (e) Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Commissioners, for the performance of their duties when designated as alternate members pursuant to the MPC, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners.

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- (f) The zoning hearing board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

## **8. FEE SCHEDULE**

- (a) East Bethlehem Township shall determine by resolution a schedule of fees, charges and expenses, as well as a collection procedure for permits, variances, special exceptions, conditional uses, amendments and other matters pertaining to this Ordinance. The adopted fee schedule shall be posted in the East Bethlehem Township Office.
- (b) The Board of Commissioners shall be empowered to reevaluate the fee schedule from time to time to make necessary alterations. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting by resolution.
- (c) All fees collected hereunder shall be paid into the Township treasury.
- (d) Special exceptions and variances shall be issued (or acted upon) only after the appropriate fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until fees have been paid in full. If the appeal is successful, the fees shall be returned to the applicant.

## **9. TIME LIMITATIONS**

- (a) No person shall file any proceeding before the Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- (b) The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final

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approval except in the case where the final submission substantially deviates from the approved tentative approval.

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

### **10. STAY OF PROCEEDINGS**

- (a) Upon filing of any proceeding and during its pendency before the Zoning Hearing 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 there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing 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 that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
- (b) When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing 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. 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.
- (d) The question 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.
- (e) 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

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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.

- (f) All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Washington County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by the Pennsylvania Municipalities Planning Code.

### **11. EXEMPTIONS**

- (a) This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the 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.
- (b) It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

# **East Bethlehem Township Zoning Ordinance**

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## **Section 8.3 Enforcement**

### **1. VIOLATIONS AND PENALTIES**

- (a) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by East Bethlehem Township, pay a judgment of no more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. In addition, the following shall apply to all violations.
- (1) No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, East Bethlehem Township may enforce the judgment pursuant to the applicable rules of the civil procedure.
  - (2) Each day that a violation continues shall constitute a separate violation, unless the District Justice, when determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership, or corporation violating this Ordinance to believe that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that the violation continues shall constitute a separate violation.
  - (3) All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to East Bethlehem Township.
  - (4) The remedies set forth in this Ordinance shall be in addition to all other remedies made available to the Municipality by the Pennsylvania Municipalities Planning Code or other applicable law.
- (b) Written notification of violations of this Ordinance and actions to be taken to enforce the provisions of this Ordinance shall be provided in accordance with the applicable notification procedures set forth in the Pennsylvania Municipalities Planning Code, or other applicable law.
- (c) Any person receiving notification of a violation of this Ordinance may appeal to the Zoning Hearing Board by filing a written notice of appeal on or before the expiration of thirty (30) days from the date of mailing of the notice.



## **East Bethlehem Township Zoning Ordinance**

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This Ordinance No. 2016-1 is hereby adopted on March 9, 2016 repealing all previous Zoning Ordinances of East Bethlehem Township.

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Maryann Kubacki  
Township Secretary

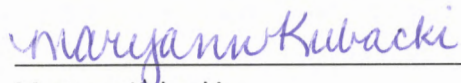
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Joseph M. Swinchock  
President, Board of Commissioners

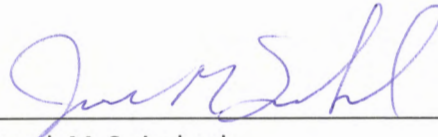
## East Bethlehem Township Zoning Ordinance

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