

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Boyertown Borough, Colebrookdale Township and Pike Township are hereby divided into the following zoning districts, with the following abbreviations:

AC	Agricultural Conservation District
RA	Rural Agricultural District
RC	Rural Conservation District
RC-O	Rural Conservation District – Open Space Option
LDR	Low Density Residential District
LDR/B	Low Density Residential -Boyertown District
MDR	Medium Density Residential
GR	General Residential District
GR-O	General Residential - Office District
VC	Village Commercial District
TC	Town Center District
GC	General Commercial District
LI	Light Industrial District
GI/Q	General Industrial/Quarry District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

- C. Overlay Districts. The 100-Year Floodplain Area, as defined by Official Federal Floodplain Mapping, shall serve as an overlay district to the applicable underlying districts.

- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. RA Rural Agricultural District. - To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the Township’s viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Land consumptive non-agricultural uses are not allowed.
2. RC Rural Conservation District. To provide for development with a low average intensity in areas. These areas typically include significant important natural features, such as wetlands, creeks, flood-prone lands and steeply sloped areas. To vary density based upon the natural features of the land. To protect the water quality and habitats along creeks and around lakes, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development. To conserve habitats of rare, threatened or endangered species.

3. RC-O Rural Conservation - Open Space Option District. To serve the same purposes as the RC district. To allow encourage use of the Open Space Development Option.
4. LDR Low Density Residential District . To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
5. LDR/B Low Density Residential District. To serve the same purposes as the LDR district, but to include a smaller lot size within the Borough of Boyertown.
6. MDR Medium Density Residential District. To provide for medium density residential neighborhoods that are primarily composed of single family detached dwellings, twin homes and townhouses. To protect these areas from incompatible uses.
7. GR General Residential District. To provide for medium high density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types.
8. GR-O General Residential District. To provide the same purposes as the GR District, in addition to allowing for offices along major streets.
9. TC Town Center District. To provide business opportunities while seeking to develop a central community focus for the Borough. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character, and most likely to cause conflicts with homes.
10. VC Village Commercial District - To provide for a mix of housing and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
11. GC General Commercial District. To provide for a wide range of commercial uses, particularly in areas that are not historic, within a downtown or adjacent to residential neighborhoods.
12. LI Light Industrial District. To provide for light industrial and a few types of commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To promote a well-landscaped campus like setting that will help attract new employers and provide compatibility with nearby homes.
13. GI/Q General Industrial/Quarry District. To provide for a wide range of industrial uses. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To also provide opportunities for mineral extraction/quarrying uses.
14. AC Agricultural Conservation District. See Section 314.A.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Borough/Township through annexation or a boundary adjustment shall be automatically classified as the RC zoning district until or unless such territory is otherwise classified by amendment of this Ordinance.

303. ZONING MAP.

- A. Three maps entitled “Zoning Map” accompany this Ordinance and are declared a part of this Ordinance. One Zoning Map shall exist per municipality. A copy of the Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” shall be retained in the applicable Borough / Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Zoning Map of a municipality becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected or to add updated base information, the Borough Council or Board of Supervisors or Board of Commissioners may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds’ office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the lot shall be regulated by the municipality in which the principal use(s) are located or is proposed to be located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of that municipality.
- E. Where there is doubt about the exact location of a zoning district boundary, the Zoning Hearing Board shall have the authority to make a determination.

305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Boyertown, Colebrookdale Township or Pike Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in a municipality regulated by this Ordinance.

306. TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
 - P = Permitted by right use (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by the Zoning Hearing Board of the applicable municipality)
 - C = Conditional use (zoning decision by Borough Council/Board of Supervisors/ Board of Commissioners of the applicable municipality)
 - N = Not Permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403
- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Classification System, administered by the US Department of Commerce. In case of question about the categorization, such system shall be consulted.

306.B.1 Allowed Uses in Primarily Residential Zoning Districts

For many uses, in the right-hand column, a page number is provided that includes additional requirements for that use. That page number reference is not intended to be a complete list of all additional requirements.

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					PAGE NO.
	RC & RC-O & AC	LDR & LDR/B	MDR	GR & GR/O	RA	
a. RESIDENTIAL USES						
Single Family Detached Dwelling: (Note - Mobile/manufactured shall also meet the additional requirements of Section 402)	P	P	P	P	P	4-29
Open Space Development Option in compliance with Section 311.	N in RC P in RC-O N in AC	P in LDR N in LDR/B	N	N	P	3-32
Semi-Detached Dwelling (side-by-side)	N	N	P	P	N	
Townhouse (Rowhouse) (S. 402)	N	N	P	P	N	4-36
Active Adult Residential Community (S. 402)	N	N	C	C in GR N in GR/O	N	4-1
Apartments (S. 402), not including conversions of an existing building:						
- Only 2 Dwelling Units in a Building ("Duplex")	N	N	N	P	N	4-36
- 3 or More Dwelling Units in a Building	N	N	N	P in GR N in GR/O	N	4-36
Manufactured/Mobile Home Park (S. 402)	N	N	N	SE in GR N in GR/O	N	4-30
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	N	4-10
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	4-17
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units:						4-13
- As Allowed under Section 310.F. Within a Designated Historic Building	SE	SE	SE	SE	SE	3-40
- Conversion of Existing Lawful Principal Non-Residential Building Floor Area into Dwelling Units	N	N	N	SE	N	4-13
- Conversions, other than conversions listed above (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	N	N	4-13

Notes:

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
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- N = Not permitted
- (S. 402)= See Additional Requirements in Section 402
- (S. 403)= See Additional Requirements in Section 403

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	RC & RC-O & AC	LDR & LDR/B	MDR	GR & GR/O	RA	
<u>b. COMMERCIAL USES</u>						
See also certain commercial uses allowed within a building on the "Historic Sites List" under Section 310						3-40
Bed and Breakfast Inn (S. 402)	C	N	N	N	C	4-9
Camp (S. 402), not including Recreational Vehicle Campground	SE	N	N	N	SE	4-10
Communications Tower/Antennae, Commercial (S. 402)						
- Meeting Section 402.A.16.a. pertaining to antenna placed on certain existing structures	P	P	P	P	P	4-11
- Antennae/tower that does not meet Section 402.A.16.a. (such as freestanding towers)	SE	N	N	N	SE	4-11
Golf Course (S. 402)	N	N	N	N	SE	4-17
Plant Nursery or Tree Farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2 acre minimum lot area	P	P	P	P	P	
<u>c. INSTITUTIONAL / SEMI-PUBLIC USES</u>						
Cemetery (not including Crematorium) (S. 402)	P	P	P	P	P	4-11
Church - See Place of Worship below						
College or University - Educational & Support Bldgs. (See also Residential Uses)	N	N	N	N	N	
Community Recreation Center or Library	N	P	P	P	P	
Cultural Center or Museum	N	N	N	SE	N	
Day Care Center, Adult (S. 402)	N	N	N	N	N	4-8
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	N	N	4-13
Emergency Services Station (S. 402), which may include an accessory bingo and banquet hall	N	SE	SE	SE	SE	4-14
Hunting and Fishing Club, with a 5% maximum building coverage in a residential districts. This term shall not include uses listed separately in this Section 306.	P	P	P	P	P	
- Target Range, Outdoor Firearms, as accessory to a Hunting Club, with a 20 acre minimum lot area (S. 402)	SE	N	N	N	N	4-36
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met (S. 402)	N	N	N	N	SE	4-20

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	RC & RC-O & AC	LDR & LDR/B	MDR	GR & GR/O	RA	
<u>c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)</u>						
Nursing Home or Personal Care Home/Assisted Living (S. 402), with a minimum lot area of 1 acre	N	N	N	SE	N	4-31
Place of Worship (S. 402) (includes Church)	SE	SE	SE	SE	SE	4-31
School, Public or Private, Primary or Secondary (S. 402)	N	P	P	P	P	4-33
<u>d. PUBLIC/SEMI-PUBLIC</u>						
Borough/Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	
Publicly Owned or Operated Recreation Park or Non-Motorized Recreation Trail	P	P	P	P	P	
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	N	SE	SE	SE	SE	
Swimming Pool, Non-household (S. 402)	SE	SE	SE	SE	SE	4-35
U.S. Postal Service Facility, which may include a leased facility	N	N	N	N	N	
<u>e. ACCESSORY USES</u>						
See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"						
See Additional Requirements in Section 403 for Specific Accessory Uses						
Composting, accessory, other than leaves, tree bark or materials generated on-site, which are permitted by right (S. 403)	SE	N	N	N	SE	4-39
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P	
Day Care (S. 403) as accessory to a dwelling:						
– Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	4-39
– Group Day Care Home	N	N	N	N	N	4-39
– Family Day Care Home, limited to a building that that is not attached to a dwelling unit on another lot	N	SE	SE	P	SE	
Farm-Based Business (S. 403)	SE	SE	SE	SE	SE	4-40
Home Occupation, Major (S. 403)	SE	SE	SE	SE	SE	4-43
Home Occupation, Minor (S. 403)	P	P	P	P	P	4-43
Retail Sales of Agricultural Products (S. 403)	P	P	P	P	P	4-46
Temporary Retail Sales- only allowed if it complies with Section 103.G.						
Unit for Care of Relative (S. 403)	P	P	P	P	P	

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	RC & RC-O & AC	LDR & LDR/B	MDR	GR & GR/O	RA	
<u>f. MISCELLANEOUS USES</u>						
Crop Farming	P	P	P	P	P	
Forestry (S. 402)	P	P	P	P	P	4-14
Greenhouse, Wholesale	P	P	N	N	P	
Groundwater or Spring Water Withdrawal involving removal of average of more than 10,000 gallons per day in Pike Township or 50,000 gallons per day in another municipality for consumption (S. 402)	SE	SE	SE	SE	SE	4-17
Livestock and Poultry, Raising of (S. 402)						
- Not Intensive	P	P	P	P	P	4-19
- Intensive	SE	N	N	N	SE	4-19
Nature Preserve or Environmental Education Center	P	P	P	P	P	
Parking Lot as the Principal Use of a Lot	N	N	N	SE	N	
Railroads	P	P	P	P	P	
Sewage Sludge/Biosolids, Land Application of (S. 403)	SE	N	N	N	SE	4-47
Sewage Treatment Plant, Centralized	SE	N	N	N	SE	
Stable, Non-Household (S. 402; includes horse- riding academy)	P	P	N	N	P	4-35
Timber Harvesting - See Forestry above.						
Wind Turbines:						
- Maximum of one on a lot that is designed primarily for on-site electricity use, as accessory use (S. 403)	P	P	P	P	P	4-48
- Any wind turbine(s) other than above, such as two wind turbines per lot or a wind turbine designed primarily for generating electricity for off-site use (S. 402)	N	N	N	N	SE	4-38
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5	N	N	N	N	N	

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306.B.2 Allowed Uses in Primarily Business Zoning Districts

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
a. RESIDENTIAL USES					
Single Family Detached Dwelling (Note - Mobile/manufactured homes shall meet the additional requirements of Section 402)	P	P	N	P	4-29
Semi-Detached Dwelling (side-by-side)	P	N	N	N	
Townhouse (Rowhouse) (S. 402)	P	N	N	N	4-36
Apartments (S. 402), other than conversions of an existing building	P*	N	N	N	4-36
Boarding House (includes Rooming House) (S. 402)	SE	N	N	N	4-10
Mobile/Manufactured Home Park (S. 402)	N	N	N	N	4-30
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	4-17
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also “Unit for Care of Relative” under Accessory Uses)	P*	P*	N	P*	4-13
b. COMMERCIAL USES					
Adult Use (S. 402)	N	N	C in GI/Q N in LI	N	4-6
After Hours Club - To the extent the use is not prohibited by State Act 219 of 1990.	N	N	C	N	4-8
Airport (S. 402) (see also “Heliport”)	N	N	C	N	4-8
Amusement Arcade	P	P	N	P	
Amusement Park or Water Park	N	N	P	P	
Animal Cemetery (S. 402)	N	N	P	P	4-8
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	N	N	P	P	
Auto Repair Garage or Auto Service Station (S. 402)	N	N	P	P	4-9
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	P	P	4-9
Bakery, Retail	P	P	P	P	
Bed and Breakfast Inn (S. 402)	P	P	P	P	4-9
Betting Use, in compliance with State law	N	N	C in GI/Q N in LI	N	
Beverage Distributor (wholesale and/or retail)	P	P	N	P	
Bus Maintenance or Storage Yard	N	N	P	P	

* = Apartments shall be limited to being in the same building as a principal commercial use that is on the street level.

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b. COMMERCIAL USES (Cont.)					
Camp (S. 402) other than Recreational Vehicle Campground	N	P	P	P	4-10
Campground, Recreational Vehicle (S. 402), which may include an accessory camp store that is primarily for use by campers	N	N	P	P	4-10
Car Wash (S. 402)	N	N	P	P	4-11
Catering, Custom, for Off-Site Consumption	P	P	P	P	
Communications Tower/Antennae, Commercial (S. 402)					
– Meeting Section 402.A.16.a. pertaining to antenna placed on certain existing structures	P	P	P	P	4-11
– Antennae/tower that does not meet Section 402.A.16.a. (such as freestanding towers) Note - Section 402.A.16 also allows towers serving emergency services stations	N	N	SE	SE	4-11
Conference Center	P	P	P	P	
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803.	SE**	P	P	P	
Crafts or Artisan's Studio (see also as Home Occupation)	P	P	P	P	
Custom Printing, Copying, Faxing, Mailing or Courier Service	P	P	P	P	
Exercise Club	P	P	P	P	
Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403	P	P	P	P	4-40
Flea Market/ Auction House	P	P	P	P	
Funeral Home	P	P	P	P	
Garden Center, Retail (see also "Wholesale Greenhouses")	P	P	P	P	
Gas Station - See Auto Service Station					
Golf Course (S. 402)	N	P	P	P	4-17
Heliport (S. 402)	N	N	SE	N	4-17
Hotel or Motel (S. 402)	P	P	P	P	4-18

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened from view of streets and other lots.

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b. COMMERCIAL USES (Cont.)					
Kennel (S. 402)	N	N	SE	N	4-19
Laundromat	P	P	P	P	
Laundry, Commercial or Industrial	N	N	P	N	
Lumber Yard	N	N	P	P	
Motor Vehicle Racetrack (S. 402)	N	N	SE in GI/Q N in LI	N	4-31
Nightclub	N	N	SE	SE	
Office (May include medical labs, see also Home Occupations)	P	P	P	P	
Pawn Shop	N	N	SE	N	
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	P	P	N	P	
Picnic Grove, Commercial (S. 402)	N	N	P	P	4-31
Plant Nursery (other than a Retail Garden Center)	P	P	P	P	
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with fire company review.	N	N	SE	N	
Recording Studio, Music	P	P	P	P	
Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 306	P	P	P	P	
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 306	N	SE	P	P	4-32
Repair Service, Household Appliance	P	P	P	P	4-33
Restaurant or Banquet Hall (S. 402)					
– with drive-through service (S. 403)	N	N	N	P	4-40
– without drive-through service	P	P	N	P	4-33
Retail Store (not including uses listed individually in this Section 306) or Shopping Center	P	P	N	P	
Self-Storage Development	N	P	P	P	4-33

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b. COMMERCIAL USES (Cont.)					
Target Range, Firearms					
– Completely indoor and enclosed (S. 402)	N	P	P	P	4-35
– Other than above (S. 402)	N	N	SE	N	4-35
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	N	N	SE	
Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)	SE	N	N	SE	
Theater, Indoor Movie, other than an Adult Use	P	P	N	P	
Trade/ Hobby School	P	P	P	P	
Veterinarian Office (S. 402)	P	P	P	P	4-37
Wholesale Sales - see under Industrial Uses					
c. INSTITUTIONAL/ SEMI-PUBLIC USES					
Cemetery (see Crematorium listed separately)	P	P	P	P	4-11
College or University - Educational and Support Buildings (other than environmental education center)	P	P	P	P	
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	
Crematorium	N	N	SE	N	
Cultural Center or Museum	P	P	P	P	
Day Care Center, Adult (S. 402)	P	P	P	P	4-8
Day Care Center, Child (S. 402) (See also as an accessory use)	P	P	P	P	4-13
Emergency Services Station	P	P	P	P	
Hospital or Surgery Center	N	N	P	P	
Membership Club meeting and non-commercial recreational facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	P	P	P	P	

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Borough Council/Board of Supervisors/Board of Commissioners)
 N = Not permitted
 (S. 402)= See Additional Requirements in Section 402
 (S. 403)= See Additional Requirements in Section 403

Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
<u>c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)</u>					
Nursing Home or Personal Care Home/Assisted Living (S. 402)	P	P	P	P	4-31
Place of Worship (S. 402) (includes Church)	P	P	P	P	4-32
School, Public or Private, Primary or Secondary (S.402)	P	P	P	P	4-33
Treatment Center (S. 402)	N	N	SE in GI/Q N in LI	N	4-37
<u>d. PUBLIC/SEMI-PUBLIC</u>					
Borough/Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	
Prison or Similar Correctional Institution	N	N	SE in GI/Q N in LI	N	
Publicly Owned or Operated Recreation Park or Non-Motorized Recreation Trail	P	P	P	P	
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE	
Swimming Pool, Non-household (S. 402)	P	P	P	P	4-35
U.S. Postal Service Facility, which may include a leased facility.	P	P	P	P	
<u>e. INDUSTRIAL USES</u>					
Asphalt Plant	N	N	C in GI/Q N in LI	N	
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	P	N	
Building Supplies and Building Materials, Wholesale Sales of	N	N	P	P	
Distribution as a principal use (other than Trucking Company Terminal)	N	N	P	N	
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	P	P	
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	

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Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				Page No.
	TC	VC	LI & GI/Q	GC	
<u>e. INDUSTRIAL USES (Cont.)</u>					
Junk Yard (S. 402)	N	N	SE in GI/Q N in LI	N	4-18
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	SE in GI-Q N in LI	N	
Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination With Principal Research and Development	SE	SE	P	SE	
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
– Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE in GI/Q N in LI	N	
– Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	P	N	
– Cement Manufacture	N	N	SE in GI/Q N in LI	N	
– Ceramics Products (other than Crafts Studio)	N	N	P	N	
– Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N in LI SE in GI/Q	N	
– Clay, Brick, Tile and Refractory Products	N	N	P	N	
– Computers and Electronic and Microelectronic Products	N	N	P	N	
– Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	SE	N	
– Electrical Equipment, Appliances and Components	N	N	P	N	
– Explosives, Fireworks or Ammunition	N	N	SE in GI/Q	N	
– Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N in LI P	N	
– Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale	N	N	P	N	
– Food Products for animals	N	N	P	N	
– Gaskets	N	N	P	N	
– Glass and Glass Products (other than Crafts Studio)	N	N	P	N	

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Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
<u>e. INDUSTRIAL USES (Cont.)</u>					
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
– Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N
– Jewelry and Silverware	N	N	P	N	N
– Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P	N	N
– Machinery	N	N	P	N	N
– Manufactured or Modular Housing Manufacture	N	N	P	N	N
– Medical Equipment and Supplies	N	N	P	N	N
– Metal Products, Primary	N	N	SE in GI/Q N in LI	N	N
– Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	SE	N	N
– Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	P	N	N
– Paper - Raw Pulp	N	N	SE in GI/Q N in LI	N	N
– Paving Materials, other than bulk manufacture of asphalt	N	N	C	N	N
– Pharmaceuticals and Medicines	N	N	P	N	N
– Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	SE	N	N
– Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P	N	N
– Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	SE	N	N
– Scientific, Electronic and Other Precision Instruments	N	N	P	N	N
– Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	P	N	N
– Transportation Equipment	N	N	P	N	N
– Wood Products and Furniture (not including raw paper pulp)	N	N	P	N	N

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Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
<u>e. INDUSTRIAL USES (Cont.)</u>					
– See Section 105 for uses that are not listed					
Mineral Extraction (S. 402) and related processing, stock-piling and storage of materials removed from the site	N	N	N in LI C in GI/Q	N	4-21
Packaging	N	N	P	N	
Package Delivery Services Distribution Center	N	N	P	N	
Petroleum Refining	N	N	SE in GI/Q N in LI	N	
Photo Processing, Bulk	N	P	P	N	
Printing or Bookbinding	N	P	P	N	
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	P	N	
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	N	N	P	N	
Sawmill/ Planing Mill	N	N	P	N	
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	SE in GI/Q N in LI	N	
Solid Waste Landfill (S. 402)	N	N	SE in GI/Q N in LI	N	4-34
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	SE in GI/Q N in LI	N	4-34
Trucking Company Terminal (S. 402)	N	N	SE in GI/Q N in LI	N	4-37
Warehousing or Storage as a principal use	N	N	P	N	
Warehousing or Storage as an on-site accessory use	P	P	P	N	
Welding	N	N	P	N	
Wholesale Sales (other than Motor Vehicles)	N	SE	P	N	
<u>f. ACCESSORY USES</u>					
See list of additional permitted uses in Section 306.C., such as “Residential Accessory Structure or Use”					
See Additional Requirements in Section 403 for Specific Accessory Uses					
Bees, Keeping of (S. 403)	SE	SE	P	P	4-38
Bus Shelter (S. 403)	P	P	P	P	4-39

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Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
<u>f. ACCESSORY USES (Cont.)</u>					
Composting (S. 403), other than leaves, tree bark or materials generated on-site which are permitted by right	N	N	SE	N	4-39
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	
Day Care (S. 403) as accessory to a dwelling:					
– Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver	P	P	P	P	
– Group Day Care Home	P	P	P	P	4-39
– Family Day Care Home	P	P	P	P	4-39
Home Occupation, Major (S. 403)	P	P	P	P	4-43
Home Occupation, Minor (S. 403)	P	P	P	P	4-43
Outdoor Storage and Display as accessory to a business use shall also comply with Sections 403, 803 and 804	P**	P	P	P	
Temporary Retail Sales - See Section 103.G.	P	P	P	N	
Unit for Care of Relative (S. 403)	P	P	P	P	4-48
<u>g. MISCELLANEOUS USES</u>					
Crop Farming and Wholesale Greenhouses	P	P	P	P	
Forestry (S. 402)	P	P	P	P	4-14
Groundwater or Spring Water Withdrawal involving removal of average of more than 50,000 gallons per day for off-site consumption (S. 402)	SE	SE	SE	SE	4-17
Livestock and Poultry, Raising of (S. 402)					
- Intensive	N	N	SE	N	4-19
- Not Intensive	N	SE	P	P	4-19
Nature Preserve or Environmental Education Center	P	P	P	P	
Parking Lot for Carpooling	N	P	P	P	
Parking Lot or Structure as an accessory use	P	P	P	P	
Parking Lot or Structure as a principal use that does not primarily serve tractor-trailer trucks or trailers	P	P	P	P	
Parking Lot or Structure as a principal use that primarily serves tractor-trailer trucks or trailers	N	N	SE	N	

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened from view of streets and other lots.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by the applicable Zoning Hearing Board)

C = Conditional use (zoning decision by the applicable Borough Council/Board of Supervisors/Board of Commissioners)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				PAGE NO.
	TC	VC	LI & GI/Q	GC	
<u>g. MISCELLANEOUS (Cont.)</u>					
Pathogen Free Laboratory Animals, Breeding and Rearing of (S. 402)	N	P	N	N	4-31
Railroads, and related loading/unloading facilities and support facilities	P	P	P	P	
Sewage Treatment Plant for centralized service	N	N	SE	SE	4-35
Stable, Non-Household (S. 402; includes horse-riding academy)	N	P	P	P	
Wind Turbine, maximum of One Wind Turbine per lot	P	P	P	P	
- Maximum of one on a lot that is designed primarily for on-site electricity use, and which shall be required to have a setback equal to the total height to the hub from all lot lines of dwellings, undeveloped land and street rights-of-way (S. 403)	P	P	P	P	4-48
- Any Wind Turbine other than above, such as a Wind Turbine designed primarily for generating electricity for off-site use (S. 402)	N	N	SE	P	4-37
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5	N	N	N	N	

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- N = Not permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Solar energy collection devices
11. Swimming Pool, Household *

12. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

- D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. This table includes notes in parentheses, with text that applies to each note located at the end of the table.

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper-vious Coverage
<p>RC Residential Conservation and RC-O Residential Conservation Open Space Option Districts: Within the RC-O district, see also the Open Space Development Option in Section 309, which may allow smaller lots in return for preserved open space. Every dwelling unit shall have a minimum width of 18 feet.</p>	130,000	200	50	60	25	10%	15%
<p>RA Rural Agricultural: See also Open Space Development Option in Section 309, which may allow smaller lot sizes in return for preserved open space. Every dwelling unit shall have a minimum width of 18 feet.</p>	86,000	150	50	60	25	20%	30%

Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper-vious Coverage
AC Agricultural Conservation District: Section 314 shall apply.							
LDR Low Density Residential District: a) Single family detached dwelling: a1) Without public water service and without public sewage service a2) With public water or public sewage service a3) With both public water and public sewage services ----- b) Other allowed principal use See the Open Space Development Option in Section 309 and AARC in Section 402, which may allow smaller lot sizes. Note F shall apply.	a1) 43,560 (1 acre) a2) 39,000 a3) 20,000 ----- b) 43,560 (1 acre)	a1) 150 a2) 120 a3) 120 ----- b) 150	a1) 30 a2) 30 a3) 30 ----- b) 30	a1) 50 a2) 50 a3) 50 ----- b) 50	a1): 25 each a2) 20 each a3) 20 each ----- b) 25 each.	a1) 20 a2) 30 a3) 30 ----- b) 30	a1) 30 a2) 40 a3) 40 ----- b) 40

Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
LDR-B Low Density Residential-Boyertown District: a) Single family detached dwelling Note F shall apply. ----- b) Other allowed principal use	a) 9,000 ----- b) 43,560 (1 acre)	a) 60 b) 100	a) 20 b) 20	a) 25 b) 25	a) 6 b) 10	a) 40 b) 40	a) 60 b) 60

Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
<p>MDR Medium Density Residential District:</p> <p>a) Single family detached dwellings:</p> <p>a1) Without both public water service and public sewage services</p> <p>a2) With both public water and public sewage services.</p> <p>-----</p> <p>b) The following housing types, each of which shall require public water and public sewage services and a minimum tract size of one acre:</p> <p>b1) Twin dwelling unit</p> <p>b2) Townhouse</p> <p>See also townhouse and Active Adult Residential Community standards in Section 402.</p> <p>-----</p> <p>c) Other allowed principal use.</p>	<p>a1) 43,560</p> <p>a2) 11,000 in Colebrookdale Township, 6,000 in Pike Township and Boyertown</p> <p>-----</p> <p>b1) and b2): Minimum average lot area of 6,000 per dwelling unit (Note C).</p> <p>-----</p> <p>c) 25,000</p>	<p>a1) 150</p> <p>a2) 70 in Colebrookdale Township, 50 in Pike Township and Boyertown</p> <p>-----</p> <p>b1) 35 per dwelling unit</p> <p>b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)</p> <p>-----</p> <p>c) 100</p>	<p>a) through</p> <p>c): 25</p>	<p>a) through</p> <p>c): 25</p>	<p>a1) 15</p> <p>a2) 8 each</p> <p>-----</p> <p>b): 8, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>-----</p> <p>c) 15</p>	<p>a) through</p> <p>c): 40%</p>	<p>a) through</p> <p>c): 60%</p>

Boyertown, Colebrookdale and Pike Joint Zoning Ordinance of 2010

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>GR General Residential and GR-O General Residential Office Districts:</p> <p>a) Single family detached dwellings</p> <p>-----</p> <p>b) The following housing types, each of which shall require public water and public sewage services:</p> <p>b1) Twin dwelling unit</p> <p>b2) Townhouse</p> <p>b3) Duplex or other Apartment dwellings, which shall be detached from other buildings.</p> <p>c) Manufactured home parks shall meet Section 402, instead of the provisions of this table.</p> <p>d) Other allowed use</p>	<p>If a single family detached dwelling does not have both public water and public sewage services, then the dimensional requirements for the LDR district shall apply.</p> <p>a) 5,000</p> <p>-----</p> <p>b1), b2) and b3): Minimum average lot area of 5,000 per dwelling unit (Note C).</p> <p>(Note G)</p> <p>-----</p> <p>d) 25,000</p>	<p>a) 40</p> <p>-----</p> <p>b1) 30 per dwelling unit</p> <p>b2) 18 per interior dwelling unit, and 28 for each end unit (Note B)</p> <p>b3) 40</p> <p>-----</p> <p>d) 100</p>	<p>a) 10, except Note H</p> <p>-----</p> <p>b) Except as provided in Note H:</p> <p>b1) 10</p> <p>b2) 10</p> <p>b3) 10</p> <p>-----</p> <p>d) 25</p>	<p>a) 25</p> <p>-----</p> <p>b1) 30</p> <p>b2) 30</p> <p>b3) 30</p> <p>-----</p> <p>d) 30</p>	<p>a) 5</p> <p>-----</p> <p>b1) 5</p> <p>b2): 10, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>b3): 15</p> <p>-----</p> <p>d) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>

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Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper-vious Coverage
<p>VC Village Center District: a) Allowed dwellings - The same provisions shall apply as apply for the LDR district. b) Other Allowed Uses</p>	<p>b) 43,560, except 20,000 for a lot that will be served by public water and public sewage services</p>	<p>b) 150</p>	<p>b) 30</p>	<p>b) 40</p>	<p>b) 25</p>	<p>b) 40%</p>	<p>b) 60%</p>
<p>TC Town Center District: a) Allowed dwellings - The same provisions shall apply as apply for the GR district, except for apartments a minimum of 750 square feet of lot area shall be required per dwelling unit. b) Other Allowed Uses</p>	<p>b) 3,000</p>	<p>b)20</p>	<p>b) 0. No new vehicle parking shall be located between the front lot line and the front of a principal building.</p>	<p>b) 10</p>	<p>b) 0</p>	<p>b) 90%</p>	<p>100%</p>

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Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E). Where Section 308 applies, this shall be the minimum average lot area per dwelling unit.	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
GC General Commercial District: Allowed use	43,560	150	30, except 50 feet where off-street parking for a commercial use will exist between the principal building and an arterial street.	20 (Note A)	20 (Note A)	40%	75%
LI Light Industrial or GI/Q General Industrial/Quarry Districts: Allowed use, other than where more restrictive requirements (such as in Section 402 for mineral extraction) apply.	87,120 (2 acres), except 43,560 (1 acre) for a lot that is deed restricted to prohibit industrial uses.	150	50	20 (Note A)	20 (Note A)	40%	80%

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

- ** = The following exceptions shall apply:
- For accessory structures and uses, see Section 307.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections.
 - See Section 803.B. pertaining to Corner Lots.
 - See Section 805 regarding extension of nonconforming setbacks.
 - See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = Except 40 feet side and 50 feet rear for a principal business use from a lot in a residential district that is not occupied by a principal business. Such side or rear yard shall be increased to 100 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.
In the GR district in the Borough of Boyertown, if an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway.

(Note C) = See method of calculation in Section 308, where applicable. These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
- The minimum average lot area per dwelling unit shall be calculated after deleting street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
- See also the applicable standards in Section 402, which may require common open space.

(Note D) = Setbacks shall be measured from the future / ultimate right-of-way, if one is established under the municipal subdivision and land development ordinance. Otherwise, setbacks shall be measured from the legal existing right-of-way that will exist upon completion of the development. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof, but may not be enclosed on front or sides.

(Note E) = See natural feature regulations, including in Sections 501 to 510 and 308.

(Note F) = All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures), unless a wider width is specified.

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(Note G) = See method of calculation in Section 308, where applicable. The minimum average lot area per apartment dwelling shall be reduced to 2,000 square feet in the GR and GR-O districts and 500 square feet in the TC district if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with physical disabilities, and there is no occupancy by any person under age 18 years old.

(Note H) = A 17 feet minimum front yard shall apply along the west side of the 100 block of North Reading Avenue between 5th and 6th Streets.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. no maximum height shall apply for agricultural structures;
2. any structure that is accessory to a dwelling on a lot of less than 3 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, except that in Pike Township a 40 feet maximum height shall apply to all non-agricultural accessory buildings;
3. in the TC, LI and GI/Q districts, a maximum building height of 60 feet shall apply;
4. in the GC district, a maximum building height of 50 feet shall apply; and
5. the maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the RC, RC-O and RA districts and 5 feet in other districts, except in the following cases:
 - a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 403 for swimming pools.
 - e. If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting Section 803.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

308. NATURAL RESOURCE AND SITE CAPACITY CALCULATIONS.

308.A. The purpose of this Section is to determine the appropriate intensity of development for each specific tract of land, based upon the land’s characteristics. All applicants for subdivision and land developments shall: 1) include maps delineating the natural resources and a table demonstrating compliance with this Section 308, and 2) meet the other requirements of this Section 308.

1. Exceptions. This Section 308 shall not apply in any of the following situations:
 - a. the application only involves an adjustment to the lot lines of an existing lot, without creating a new lot, without creating a new dimensional nonconformity and which is not proposed to include a new or expanded principal non-residential or apartment building,
 - b. the land area is within the Borough of Boyertown,
 - c. the application only involves the replacement of an existing building with a new building that is not more than 1,000 square feet greater in building coverage or the expansion of an existing building by not more than 1,000 square feet of building coverage,
 - d. a maximum of 2 new buildable lots are in such application, and each buildable lot will have a lot area of 3 acres or more and only involve single family detached dwellings or agricultural uses, or
 - e. the total site area is 2 acres or less, prior to any subdivision.

308.B. The following natural resource and site capacity calculations shall be submitted by the applicant to determine the specified requirements for that site:

1. Base Site Area. Certain portions of tracts may not be usable for the activities proposed for the site. These areas shall therefore be subtracted from the site area to determine base site area.
 - a. Site area as determined by actual on-site survey _____ Ac.
 - b. Subtract land within any ultimate right-of-way of an existing road where an ultimate right-of-way is required under the Subdivision and Land Development Ordinance, or where an ultimate right-of-way is not required, subtract rights-of-way of existing roads based upon the width that is proposed to exist after completion of the subdivision or land development. _____ Ac.
 - c. Subtract land within easements or rights-of-ways for electric transmission lines with an intended capacity of 35 kilovolts or greater. _____ Ac.
 - d. Subtract land which is not adjacent (lands that are only separated by an alley or waterway shall be considered adjacent) or that is in a different zoning district. For an Open Space Development, lot area on either side of one street may be considered as one “site” for the purposes of this Section 308. _____ Ac.
 - e. Subtract land located in another municipality (Note - If the other municipality is regulated by this Ordinance, the calculations shall still be submitted separately). _____ Ac.

- f. Subtract - land which in a previously approved subdivision was reserved for resource reasons such as flooding, or for recreation, or is protected by an existing conservation easement. _____ Ac.
 - g. Subtract land in a different zoning district _____ Ac.
- = **BASE SITE AREA** _____ Ac.

2. Resource Protection Ratios. All land and resources within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it. Portions of a site which have overlapping resource protection restrictions shall be subject to the highest open space ratio and shall be calculated only once. See also disturbance limitations for various resources in Article 5, such as maximum woodland disturbance provisions in Section 508.
3. Resource Protection Lands. The applicant shall utilize the following natural resource protection ratios for each resource from the following table and the acreage of each resource within the base site area to complete the following table. This completed table shall then be submitted with any subdivision or land development plan, and shall be revised as necessary based upon review by the Township. The table shall be completed to the nearest 3 decimal places (such as 2.221 acres).

<u>Resource</u>	<u>Natural Resource Protection Ratio for Resource</u>	<u>Acres of Land in Resource</u>	<u>Acres of Resource Protection Land (Acres of Land in Resource multiplied by Natural Resource Protection Ratio)</u>
Floodplains	1.00	X	=
Lakes and Ponds	1.00	X	=
Wetlands	1.00	X	=
Steep Slope (15 to 24.999%)	0.50	X	=
Steep Slope (25% or greater)	0.85	X	=
Total Resource Protection Land in Acres =			_____

4. Determination of Site Capacity. Individual site capacity net density, net buildable site area, and allowable impervious surface is calculated as follows for a Residential Development:
 - a. Take: Base Site Area from above _____ Ac.
 - b. Subtract Resource Protection Land from Subsection 3. above _____ Ac.
 - c. Results in Net Buildable Site Area _____ Ac.

For any residential use where there are provisions in Section 307 or 402 for the applicable zoning district that specify a minimum average lot area per dwelling unit (see method of calculation in the notes at the end of Section 307):

- d. State the Net Buildable Site Area (from c. above) _____ Ac.
- e. Multiply d. by 43,560 square feet to equal: _____ Sq.Ft.
- f. Write in the Minimum Average Lot Area Per Dwelling Unit for the Use/ Zoning District. See the requirements of Section 307. _____ Sq. Ft.

- g. Divide e. by f. to result in the Maximum Allowable
Number of Dwelling Units on the Site = _____ D.U.

For any residential use where there are provisions in Section 307 or 402 for the applicable zoning district that specify a minimum lot area per dwelling unit:

- h. Take: Net buildable site area (from c. above) _____ Ac.
 i. Multiply h. by 43,560 square feet _____ Sq.Ft.
 j. Write in the Minimum Lot Area Per Dwelling Unit
for the Use/ Zoning District. See the requirements of Section 307. _____ Sq. Ft.
 k. Divide i. by j. to equals the Maximum Allowable Number of
Dwelling Units on the Site = _____ D.U.
- l. Take Net Building Site Area from c. _____ Ac.
 m. Multiply by the Maximum Impervious Coverage (for Use/District) X _____ (Ratio)
 n. Equals: Maximum Allowable Impervious Surfaces for the site * = _____ Ac.

* Except for a townhouse development, impervious shall also be calculated for each lot.

Note: The applicant should be aware that the calculated maximum density is the maximum allowable, and there is not guarantee that such density will be possible on a particular site, after considering all other requirements.

309. OPEN SPACE DEVELOPMENT OPTION.

309.A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to: a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) preserve areas of prime farmland, d) provide additional recreation land, e) direct development to those areas that are more physically suited for it, f) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon, g) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, h) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, i) reduce construction costs and municipal maintenance costs, j) provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and k) allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the establishment of significant areas of preserved open space.

309.B. Applicability. This Section allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 309 to the satisfaction of the Municipality.

1. An “Open Space Development” is a residential development that meets the requirements of this Section 309 and is granted approval by the Municipality as an Open Space Development. An Open Space Development shall only be allowed in zoning districts where the use is listed as allowed in Article 3.
2. Uses. A Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Municipally-owned recreation uses, recreation uses that the Municipality approves to be within the preserved open space, crop farming, raising and keeping of horses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve

the development, and customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as an Open Space Development.

3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 5 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or existing creeks.
 - a. The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of existing streets may be deleted from the total lot area before calculating the required amount of Preserved Open Space.
 - 1) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
 - 2) See the definition of "Open Space, Preserved" in Section 202. That definition provides that certain features not count towards Preserved Open Space.
 - b. Areas used for a principal non-residential use (other than uses approved by the Municipality to be part of the preserved open space, such as an agricultural barn) shall not be included within the land area used to calculate residential density.
 - c. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is not exceeded over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 309.
4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 309.
5. Procedures.
 - a. Applicants are strongly encouraged to first submit a Layout Plan for review by the Municipality for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Municipality and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.
 - b. The applicant and Municipality officials are strongly encouraged to walk the tract after a detailed Existing Features Map has been provided to the Municipality, but before the site layout has been finalized.

309.C. Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and a Yield Plan.

1. An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25

percent slopes and 25 percent and greater slopes, and any major scenic views from within the tract or from outside of the tract.

2. A Yield Plan shall be submitted to the Municipality by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Municipality ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
3. The Yield Plan shall be reviewed by the Zoning Officer and the Municipal Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer or the Municipal Engineer to revise the Yield Plan until it is accurate.
 - a. The maximum number of dwelling units allowed on the tract through Open Space Development shall be 25 percent greater than the number of dwelling units that is determined by the Municipality to be possible under the Municipality-accepted Yield Plan.
 - b. The allowed number of dwelling units may be rounded to the nearest whole number, with 0.5 rounded to the next whole number.
 - c. The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.
4. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Section 309. For example, lots in an Open Space Development shall comply with any requirements of this Ordinance to delete certain natural features from lot area of individual lots. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. RC-O District. The minimum lot area shall be 65,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the RA district. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - b. RA District. The minimum lot size shall be 43,560 square feet. The same dimensional requirements shall apply as are provided for conventional development in LDR district when a one acre minimum lot area applies. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - c. LDR District.
 - 1) A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - 2) For single family detached dwellings, the minimum lot area shall be 10,000 square feet. Except for lot area, the same dimensional requirements shall apply as are provided for in conventional development in the R-M district.
5. Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by Municipality-approved centralized sewer service and a Municipality-approved centralized water system. Within Colebrookdale Township, any central sewage and central water service shall be municipally owned or municipally operated. Within Pike Township, any central sewage service

shall be in compliance with the Township Sewage Facilities Plan. If the water or sewage systems are not publicly owned, the applicant shall provide evidence that there will be adequate safeguards to ensure proper long-term operation, maintenance and financing.

6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a tract is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Preserved Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the Preserved Open Space requirement based upon the area of the entire tract.
 - a. The land under the conservation easement shall be a logical shape that is subject to approval by the Municipality and shall be located where it could adjoin land that would be added as Preserved Open Space in the future if the total allowed number of dwellings would be developed.
 - b. The following hypothetical example assumes a tract size of 50 acres and that it has been determined that the applicant for an Open Space Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.
7. A minimum of 50 percent of the required Preserved Open Space shall be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street.
 - a. As part of this type of development approval, the Governing Body may approve the following, if the applicant proves to the satisfaction of the Governing Body that such configuration would serve the purposes of this Section and be in the best interests of the Municipality, considering the unique circumstances of the tract:
 - 1) a reduction of the percentage of the preserved open space that is in one lot; or
 - 2) the crossing of the preserved open space by two or more streets.
 - b. An accessway limited to emergency vehicles may also cross the preserved open space.
8. The Governing Body may require that the majority of the required Preserved Open Space be placed:
 - a. adjacent to an existing or planned public or homeowner association-owned recreation area;
 - b. adjacent to existing farmland;
 - c. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot; or
 - d. adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.

309.D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Municipality that the following additional conditions shall be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - c. The dedication of recreation land at a site deemed appropriate by the Governing Body and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or industrial uses. In such case, intensive landscaping and/or planting for eventual re-forestation shall be provided.
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
3. The Municipality may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

309.E. Preserved Open Space.

1. Preserved Open Space. The minimum amount of “Preserved Open Space” shall be provided, which shall meet the requirements of this Ordinance and the definition in Section 202 of “Open Space, Preserved”.
 - a. The Preserved Open Space requirements of this Section shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Municipality Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Governing Body that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.
2. Open Space Standards. Required Preserved Open Spaces shall meet all of the following requirements:
 - a. Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Logging shall meet Municipality requirements and

removal of healthy mature trees shall be limited to selective cutting following a Municipality-approved forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Municipality-approved agricultural use.

- b. Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the Municipality, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - 1) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - 2) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 - c. Such improvements shall be described on notes on the recorded final plan. The municipality may require an improvements and/or maintenance agreement.
 - d. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - e. The applicant shall prove that all required Preserved Open Space would be suitable for its intended and Municipality-approved purposes. The Municipality may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - f. Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - g. Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Governing Body may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Municipality standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Municipality. The Municipality shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Municipality shall only accept ownership of open space if the Governing Body has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Municipality, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Governing Body:
 - 1) Dedication to the County as public open space, if the Governing Body agrees in writing to such dedication.
 - 2) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space, without the development of buildings.

- 3) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (a) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Municipality may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - 4) Dedication of the land to an established nature conservation organization acceptable to the Governing Body for maintenance as a nature preserve or passive recreation area.
 - 5) Dedication of a permanent conservation easement that results in the land being used for a Municipality-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 - 6) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - 7) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would be needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non-agricultural use of the lot. The lot may be approved to allow an allowed use on the portion of the lot that is not needed to meet the open space requirement.
- b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Municipality Solicitor and be subject to approval by the Governing Body prior to recording of the final plan.
 - c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with State law governing homeowner associations. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."
4. Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the Municipality approval, then a revised approval shall be required for the changed use.
- 309.G. Phasing. When phasing is proposed the development shall include a phasing system that shall be approved by the Governing Body. Such phases shall ensure that the requirements of this Article will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 309.H. Landscaping Plan. An application for an Open Space Development involving over 10 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.

2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

310. HISTORIC BUILDINGS.

310.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources.
2. Establish a clear process to review and approve demolition of designated historic buildings.
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
6. Carry out recommendations of the Joint Comprehensive Plan.

310.B. Applicability.

1. This Section 310 shall apply to buildings on the Historic Sites List that is adopted as part of this Ordinance. Within Boyertown and Pike Township, the "Historic Sites Map" in the Joint Comprehensive Plan shall be used to assist in determining the location of any building regulated by this Section. Unless otherwise stated, this Section 310 shall apply to principal building(s) on the property, in addition to any barn, spring house or similar building that has at least 20 percent of its exterior walls constructed of stone. Such Historic Sites List shall serve as a Historic Overlay District.
2. Any partial or complete demolition of a building regulated by this Section 310 shall only occur in compliance with this Section.
3. Demolition shall be defined as "The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building." A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.

310.C. Historic Sites List. The Historic Sites List may be revised by amendment of this Zoning Ordinance.

310.D. Approval of Demolition.

1. A building regulated by this Section 310 shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the current owner or a person who owned the property within the previous two years; or

- b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by Section 310; or
 - d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the proposed building or use will result in a net improvement to the streetscape.
2. For approval of a demolition, the standards of this Section 310 shall apply in place of the general conditional use standards. In reviewing the application, the Zoning Hearing Board shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
 3. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
 5. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Construction Codes Official certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
 6. Where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
 7. A separate demolition permit shall also be required under the Municipal Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.
- 310.E. Exceptions. Special exception approval shall not be needed for the following:
1. Demolition of accessory buildings or structures, other than buildings which have exterior walls that are at least 25 percent comprised of stone or brick.
 2. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).

3. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
4. Relocation of a building within the Municipality, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

310.F. Additional Uses Allowed Within Rehabilitated Historic Buildings.

1. This Section 310.F. allows certain additional uses if the use would be within a rehabilitated Designated Historic Building.
2. For the sole purposes of allowing additional uses under this section "2", an existing primarily wood, brick or stone agricultural barn built prior to 1940 and that has a minimum floor area of 600 square feet may be considered a Designated Historic Building. The following additional uses shall be allowed as special exception uses within a Designated Historic Building:
 - a. The conversion of an existing Non-Residential Building into one or two total dwelling units. This conversion may include (but not be limited to) the change of a former school or agricultural barn into dwelling units. Such conversion may result in up to 2 total dwelling units on the lot, provided that any on-lot septic system is certified as being able to accommodate all of the uses.
 - b. The conversion of such Building into an office.
 - c. The conversion of such Building into a Bed and Breakfast Inn. Such use shall meet the applicable requirements of Section 402.
4. To be eligible for these uses, the applicant shall prove the following to the satisfaction of the Zoning Hearing Board that a Registered Architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated in conformance with the Secretary of the Interior's Standards for Historic Rehabilitation, and accompanying guidelines published by the National Park Service, or other standards acceptable to the Municipality and that any exterior repairs, alterations and additions visible from a public street will be in conformance with such standards and guidelines. An applicant is not required to use modern designs to distinguish additions from a historic building.
5. Plans shall be submitted showing the design and materials of any exterior changes to the building that are visible from a public street.
6. The building shall not be expanded by more than 30 percent in its floor area for a use under this Section 310. This limitation on building expansion shall not apply if the proposed use would be allowed in the zoning district without applying under this Section 310.

310.G. Modifications. As a special exception, the Zoning Hearing Board shall have the authority to modify dimensional requirements for a lot occupied by a Designated Historic Building if such modifications are necessary to promote the historic rehabilitation and adaptive reuse of such building. For example, the Zoning Hearing Board may approve an increase in a front yard setback to maintain a historic setting, while allowing a decrease in a rear yard setback.

311. SEWAGE AND WATER SERVICES.

311.A. Central Water Service. A use shall not be considered to be served by "central water service" unless all of the following standards are met:

1. All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met.
2. The applicant proves to the satisfaction of the Municipality that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator.
3. The applicant proves to the satisfaction of the Municipality, based upon review of the Authority Engineer, or the Municipal Engineer where the system is not controlled by an Authority, that the system will include adequate supply, transmission capacity and pressure to serve the development.
4. Within Colebrookdale Township, central water service shall only be allowed as part of a system owned and/or operated by a municipal authority.

311.B. Central Sewage Service. A use shall not be considered to be served by “central sewage service” unless all of the following standards are met:

1. All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met.
2. The applicant shall prove to the satisfaction of the Municipality that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator.
3. The applicant shall prove to the satisfaction of the Municipality, based upon review of the Authority Engineer, or the Municipal Engineer where the system is not controlled by an Authority, that the system will include adequate treatment capacity and conveyance capacity to serve the development.
4. Within Colebrookdale Township, central sewage service shall only be allowed as part of a system owned and/or operated by a municipal authority.
5. There is compliance with the municipal Sewage Facilities Plan, as may be amended.

311.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.
2. At the time of subdivision or land development approval, the Governing Body may request that agreements be established so that a central water or sewage system is dedicated to a Municipal Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Municipal Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Municipality may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

311.D. On-Lot Septic Systems.

1. Purpose. To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
2. This Section 311.D. shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
3. Each lot shall include both a primary and an reserve septic system location. Both locations shall be determined by the Sewage Enforcement Officer to meet PA. Department of Environmental

Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.

4. The requirement for a reserve septic system location shall not apply to the following:
 - a. a lot of over 10 acres,
 - b. the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
 - c. a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,
 - d. lots within a subdivision or land development that will be able to be served by a capped sewage collection system constructed by the developer that is designed and built so that it can be connected to the public sewage system within an expected maximum time period of 5 years, and provided the design of such system has been approved by the Municipality and any Municipal Authority that is expected to connect to the system, or
 - e. the replacement of one existing dwelling unit with a new dwelling unit on an existing lot.
5. The reserve septic system location shall be kept clear of buildings, trees and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The Municipality may, at its option, require that the location be recorded on the deed.

311.E. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations.

1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
4. Well sites should be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.

311.F. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to an on-lot septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

312. **AGE RESTRICTED RESIDENTIAL DEVELOPMENT.** See the provisions for Active Adult Residential Community (AARC) in Sections 306 and 402.

313. **ADDITIONAL REQUIREMENTS AND GUIDELINES IN THE TC, GR AND GR/O DISTRICTS.**

313.A. Maximum Building Setback. In the TC, GR and GR/O districts within the Borough of Boyertown, where a clear majority of the existing principal buildings on the same side of a block are already developed with buildings, and where the Zoning Officer determines that there is a clear

predominant front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a front yard building setback that is not more than 5 feet larger and not less than 5 feet smaller than such predominant front yard setback. The maximum front yard setback may be met with an attached front porch or a building wall.

313.B. Design Guidelines. The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations, particularly in the TC district and older parts of the GR and GR/O districts. Some of these features may be required by other sections of this Ordinance in specific cases.

1. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard. See also Note B at the end of Section 307.A.
2. New construction should have a front yard setback that is similar to adjacent older buildings.
3. Modern additions and features should be placed towards the rear of the property.
4. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
5. On sides visible from a street, new construction should use building materials that are similar to appearance of older buildings, such as decorative masonry or materials with a similar appearance.
6. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.

313.C. Parking. See Sections 601 and 602 which allow some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. Landscaping, brick walls or similar features should be used to buffer parking lots from streets.

313.D. Existing Buildings and New Construction. There should be a balance of the retention of existing buildings and quality new construction so as to retain a sense of historic continuity and increased vitality. Every effort should be made to identify, save and reuse older buildings and to find appropriate reuses. Avoid demolition and new construction where important buildings are removed or the visual continuity of the area is disrupted. Typical "franchise brand" facades should be modified in such a way as to become compatible with the Borough's historical background.

313.E. Continuity of Street-Front Activity. Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along main streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than in inward focus away from the street, should be emphasized in new buildings. Street-oriented parking lots, blank building faces and non-pedestrian-related uses should be discouraged along major pedestrian streets.

- 313.F. Lighting. Adequate lighting shall be provided for security, but in a manner that does not generate glare. Light fixtures should be visually in keeping with the character of the Historic District. The luminaire itself (such as in a floodlight) should not be visible from a street or sidewalk.
- 313.G. Pedestrians. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic. The development should not be surrounded by parking lots and driveways, but should be placed on the site in such a way that it relates to adjacent properties and public right-of-ways.
- 313.H. Guidelines for Construction. Buildings, particularly along pedestrian-oriented streets, should respect the continuity and character of existing block fronts.
1. Height. Buildings should be constructed to a height compatible with existing surrounding buildings. Single story buildings should be avoided unless they have the appearance of a two story building when viewed from the front on the street.
 2. Width and Proportion. The width and proportion of buildings—the relationship of a building’s width to its height—should be similar to, and compatible with, existing surrounding buildings along the street. When larger buildings are proposed, they should be articulated so that the major elements of the facade reflect the width and proportion of the surrounding buildings.
 3. Relationship to Street. Buildings should have setbacks to the street consistent with nearby buildings. Buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
 4. Street Level Vitality. The street level of buildings should be the primary orientation and access for pedestrians and provide continuity of visual interest. A pedestrian entrance and display windows should be provided along the front along main streets.
 5. Roof Forms. The roofs of buildings should be consistent with and similar to surrounding buildings in type and shape. This particularly includes use of pitched roofs or cornices along the front where such features are common.
 6. Proportion of Openings. The size and proportion, or the ratio of width to height, of window and door openings should be similar and compatible with those in surrounding facades.
- 313.I. Signs and Awnings. Various signs on a property should be coordinated. Internally illuminated signs should be avoided. Signs should not cover architectural details. Overly bright, revolving or flashing lights and internally illuminated plastic signs should be avoided. Awnings can, in many instances, be a visual asset to a building and provide continuity along a block front. Awnings can also provide weather protection for pedestrians and be energy-efficient. The use of awnings should be carefully coordinated with each building so as to be compatible. The front panel of an awning may be used for a sign provided the sign image is integrated with the awning.
- 313.J. Porches. Existing older porches should be maintained and new porches should be considered on the front of new buildings.
- 313.K. Site Features. Parking areas, garages or storage buildings (particularly the prefabricated metal type) should not be built near the front or in areas visible from the street.

- 313.L. Fences. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.
- 313.M. Utilities. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.
- 313.N. Building Walls. Buildings should avoid long, monotonous, uninterrupted wall or roof planes. A wall surface should be no longer than 100 feet without a break. Building wall offsets, including both projections and recesses, and changes in floor elevation should be used in order to add architectural interest and variety, and relieve the visual effect of a single, long wall. Blank walls, loading docks and service areas visible from the front from a street are discouraged. Windowless building walls are discouraged. Where the construction of a windowless wall is necessary, such wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or by using recessed or projecting display window cases if the building is occupied by a commercial use. Ground floor retail, service and restaurant uses should have large pane display windows on the ground level.
- 313.O. HVAC. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.
- 313.P. Fire Escapes. New exterior fire escapes should not be constructed on the front facade of a building.
- 313.Q. Security Gates. Solid metal security gates or solid roll-down metal windows should be avoided. Link or grill type security devices should be permitted only if installed from the inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grilles should be recessed and concealed during normal business hours. Models that provide a sense of transparency, are encouraged.
- 313.R. Rendering. An architectural rendering or elevations should be prepared and become part of the submission to show the exterior design of the front facade of any proposed new principal non-residential building.

314. AC AGRICULTURAL CONSERVATION DISTRICT.

- 314.A. Purposes. To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize Pike Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices, and related businesses. Land consumptive non-agricultural uses are not allowed.
- 314.B. Allowed Uses. See Section 306.
- 314.C. Lot Area and Lot Width.
1. Minimum lot area - 43,560 square feet. The number of lots shall be restricted as provided in Section 314.G. below, except that such maximum shall not apply to a new lot of 15 acres or greater.

The existing/remainder lot shall be counted within the number of lots allowed in Section 314.G., even if it is 15 acres or larger.

2. Maximum lot area - For a single-family detached dwelling that is not on a principal agricultural lot - 2 acres maximum lot area. The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the lot: 1) does not include more than 2 acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study, or 2) where additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer.
3. Minimum lot width - 150 feet.
4. The largest amount of Class I, II and III agricultural soils that is feasible shall be included on one principal agricultural lot.

314.D. Minimum yards for principal and accessory buildings, unless a stricter requirement is established by another section of this Ordinance:

1. Front - 35 feet.
2. Each of 2 sides - 15 feet.
3. Rear - 30 feet.
4. For accessory buildings, See Section 403.
5. The minimum lot width may be met at the proposed principal building setback line instead of the minimum building setback line if the applicant proves that such modification would result in a greater amount of preservation of agricultural land than would otherwise occur. This may allow a minimum 20 feet wide extension of a lot including a driveway between the bulk of the lot and a street.

314.E. Maximum Impervious Coverage - 15 percent.

314.F. Maximum Height - 3 stories or 40 feet, whichever is more restrictive. No maximum height shall apply to agricultural structures.

314.G. Limitations on Subdivision and Land Development in the AC District.

1. To preserve agricultural tracts, the AC District regulations limit the subdivision of lots from farms and establishes a maximum lot size to allow the retention of tracts of sufficient size to be productive for agriculture. This Section is based upon Section 604(3) and other provisions of the Pennsylvania Municipalities Planning Code.
2. Each tract existing on August 1, 2010 shall be permitted to subdivide new lots from the tract or establish new principal uses on the tract based upon the lot area of the tract as it existed on August 1, 2010, as follows:

Lot Area (Acres)		Number of Total Lots Of Less than 15 Acres Which May Result (including the existing/remainder lot):
At Least	Less Than	
2	20	2
20	30	3
30	40	4
40	50	5
50	60	6

3. The condition of the tract on August 1, 2010, or on the date on which the tract is zoned AC District by a later zoning amendment, shall be the basis from which the maximum development set forth in this subsection G. above shall be calculated.
4. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Section 314.C.2.
5. A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the tract from which the land is taken and the tract to which the land is added will be 20 acres or greater after such subdivision, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 314.G.2.
6. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal use shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 314.G.2.. above. For example, if a lot is created solely for the purposes of stormwater management or a water supply well, it shall not be limited by Section 314.G.2.
7. Any subdivision or land development plan hereafter filed with the Municipality for subdivision or land development shall specify which lot or lots shall carry with it a right of further subdivision or establishment of principal uses, if any such right remains from the quota allocated to the parent tract on August 1, 2010, or on the date when such land is added to the AC District by a later amendment. The right of further subdivision or establishment of principal uses shall also be included in the deed for the newly-created lot. If the designation of the right of further subdivision or establishment of principal uses was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or establishment of principal uses, unless there are other applicable regulations that would restrict such subdivision or uses.
8. In the event that a tract was added to the AC District by a zoning amendment after the effective date of this Ordinance, the size of the tract and the development existing on the tract on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided on such tract.
9. The number of lots which may be created or principal uses which may be established shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.
10. In submitting an application for a subdivision/land development for a dwelling unit within the AC District, the applicant shall demonstrate that measures have been used to:
 - a. Minimize the loss of valuable farmland;
 - b. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - c. Minimize the length of property lines shared by all residential lots and adjoining farms;
 - d. Assure adequate vehicular access to future residences not currently proposed;

- e. Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance.
11. Agricultural Nuisance Disclaimer - The following notice, or similar text pre-approved by the Township, is required to be placed on the deed of any new lot that is created within the AC District and shall be disclosed to any buyer of a lot prior to a sale:

"Lands within the AC District are in an area where the Township has given priority to commercial agricultural production. Owners, residents and other users of this property may be subjected to inconveniences, discomfort and annoyances arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and annoyances from normal agricultural operations, and are hereby put on official notice that the Pennsylvania "Right to Farm Law" and/or any Agricultural Security Area designation may bar them from certain legal actions to limit such normal agricultural operations.