

8/3/82

CENTRE TOWNSHIP
CENTERPORT BOROUGH

(REVISED)

Z O N I N G O R D I N A N C E

ORDINANCE No. 8A

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August, 1982

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THE REVISED ZONING ORDINANCE

of

CENTRE TOWNSHIP

and

CENTERPORT BOROUGH

AN ORDINANCE REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES: THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES: THE LOCATION AND SIZE OF SIGNS: THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SETBACK BUILDING LINES UPON ANY OR ALL PUBLIC ROADS OR HIGHWAY: CREATING ZONING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: CREATING THE OFFICE OF ZONING OFFICERS, CREATING A ZONING HEARING BOARD AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE INCLUDING THE INPOSITION OF PENALTIES, REPEALING ALL EXISTING ORDINANCES INCONSISTANT HEREWITH.

ARTICLE I - TITLE AND PURPOSE

SECTION 101. TITLE: this ordinance shall be known and may be cited as the "Revised Zoning Ordinance of Centre Township and Centerport Borough - 1982".

SECTION 102. COMMUNITY DEVELOPMENT OBJECTIVES: these Zoning Regulations are enacted for the following purposes:

A. To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as,

B. Community Development Objectives: this Ordinance shall be interpreted so as to bring about as well as possible as authorized by this Ordinance, the following Community Development Objectives:

1. Preservation of Open Spaces: Most of the excellent and highly productive agricultural land located in the Township should be retained as far as is practical under the circumstances. The conflict for land use must be resolved in preserving these areas to be used in farming. Increasing urbanization and residential construction lead to increasing problems stemming from storm run-off and drainage. To that end, flood plain areas should, whenever possible, be preserved and zoned primarily for conservation and recreation.
2. Provide for Residential Growth and Development: There should be preserved areas for housing needs. To preserve the suburban atmosphere so much desired, it will be necessary to utilize marginal agricultural land and woodland areas for this purpose. It may be necessary to provide for medium and high density developments, utilizing such concepts as townhouse and garden apartments and planned residential developments. Further, because of the density factor, these must be located in areas economically accessible to public water and sewerage. The increasing demand for mobile home living must be met by providing for and insisting well planned and designed parks, either enlarging presently existing parks or approving new parks carefully located and adequate in size to the need. The tendency for indiscriminate stripping of both mobile homes and single family residences along rural roads must be discouraged and deterred.
3. Conservation of the Environment: The quality of the environment has recently come to the forefront among essential considerations of modern planning. In Centre Township, as elsewhere, there is much to be done to terminate destruction of the natural environment and to reclaim much that has already occurred. The effective handling of solid waste disposal and cleaning up the proliferation of junk is a case in point. Waterways require protection. Floodplains, as previously noted, should be set aside and withdrawn from development.
4. Development of Recreational Facilities: In keeping with the preservation of open space, provision must be made now to assure the long term development of both public and private recreation areas.

SECTION 103. INTERPRETATION

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township and Borough. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations for the Zoning District in which it is located and with all other pertinent regulations of the Ordinance. This Ordinance is not intended to interfere with, abrogate, annul, supercede or cancel any easements, covenants, restriction or reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of the Ordinance would control.

SECTION 104. APPLICATION

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and their accessory structures, buildings uses, and signs. Nothing in this Ordinance shall require any change in plans or construction of a lawful use, the construction of which is lawfully started before the effective date of this Ordinance and which is completed within one (1) year after the effective date of this Ordinance.

SECTION 105. PUBLIC UTILITY CORPORATIONS

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

SECTION 106. SEPARABILITY

It is hereby declared to be legislative intent that:

(a) If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separate and fully effective.

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

ARTICLE II - DEFINITIONS

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

DEFINITIONS: Unless otherwise expressly stated, the following words shall be construed throughout this Ordinance to have meanings indicated in this section below;

Accessory Building - A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Accessory Use - A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building lot.

Agriculture - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, the keeping or raising of domestic animals, poultry, and riding horses, and the sale of crops, dairy and horticulture products, poultry, and livestock incidental to the operation of a farm.

Alley - A minor right of way, privately or publicly owned, primarily for the use of access to the rear or sides of properties.

Alterations to Buildings - Any exterior, structural addition or any renovation to a building which would change its use classification.

Apartment House - See dwelling.

Basement - A story partly underground and having at least one half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

Building - A structure having a roof supported by columns or walls, or any structure affording shelter to persons, animals, or chattels. In the case of any such structures separated by a division wall without openings or party wall, each portion of such building shall be deemed a separate structure. The term building includes: porches, swimming pools, tents, lunch wagons, dining cars, mobile homes, and similar structures. Whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

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

Building Setback Line - A line parallel to and the distance from a public or private street as specified in this Ordinance which determines the location of a future building or structure. (See sketch No. 1). Such line is measured from the street right-of-way line.

Campground - A lot or tract of ground, which shall be a minimum of five (5) acres in size, on which may be placed tents, campers, travel trailers which does not exceed three hundred twenty (320) square feet in floor area, where persons or families may live on a temporary basis for a time period which shall not exceed fifteen (15) weeks in any one calendar year.

Cartway - The portion of a street, road or alley right-of-way that is paved or unpaved and intended for vehicular use. (See sketch No. 1).

Cellar - A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purpose of height measurement.

Club - A private organization which makes use of land and/or buildings for the club purposes.

Construction Site - The total necessary land required for all buildings or uses within a unified development before a zoning permit may be issued.

Corner Lot - A lot fronting on two intersecting streets, roads, or highways.

Curb Cut - A break or spacing in the curbing that provides for access to and from a street or highway created by a driveway, highway, or road, generally provided for driveways or parking facility entrances.

Density - The proportionate amount of land allocated for each primary use.

District - An area including all buildings and lots within certain designated boundaries as indicated on Zoning Map.

Dwelling - A building permanently erected on and attached to a foundation, having a fixed location on the ground and used as living quarters for one or more families, which building when so erected and attached, shall be in the normal frame of reference, be immobile. Hospitals, hotels, boarding, rooming, and lodging houses, institutional houses, tourist courts and the like, offering overnight accommodations for guests or patients shall not be considered dwellings within the meaning of this Ordinance.

(A) **Apartment House** - A dwelling which does not have a lot line between dwelling units and is designed to accommodate two (2) or more dwelling units.

(B) **Single Family Detached Dwelling** - A dwelling which does not have a party or lot line wall and is designed to accommodate one (1) dwelling unit.

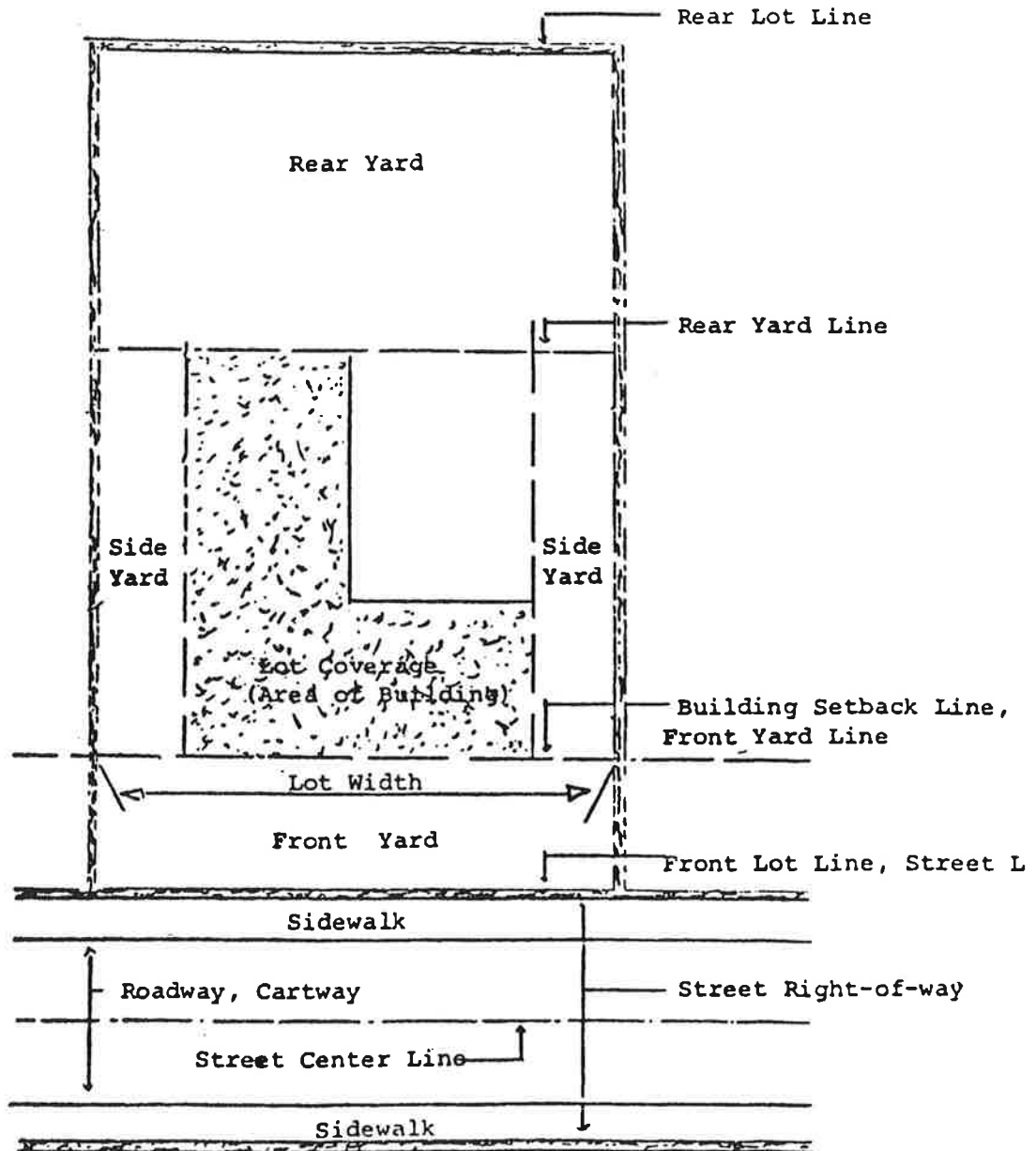
(C) **Semi-Detached Dwelling** - A building which has only one party or lot line wall and is designed to accommodate two (2) dwelling units.

- (D) Single Family Attached (Townhouse) - A building with three (3) dwelling units but no more than six (6) dwelling units attached by party walls and with unpierced part walls, not to include motels.
- Dwelling Unit - One or more living and/or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit with cooking, living, and sanitary facilities.
- Family - (A) A single individual
- (B) Two or more persons related by blood, marriage or adoption within and including the degree of first cousins.
- (C) A group of not more than three (3) persons who are not related.
- Farm Building - A barn, silo, or any building used for storing agricultural equipment or farm produce or products, for housing livestock or poultry or for processing of dairy products. The term "farm building" shall not include a dwelling.
- Floor Area - The sum of the gross horizontal areas of every floor of a building, including basement space, roofed porches, breezeways, and over garages or carports.
- Garage - A building, structure, or any part thereof, in which one (1) or more motor vehicles are housed, kept, or repaired. Garages are classed as "Private Garages" or "Public Garages".
- (A) Private Garage - An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one and one-half (1½) tons capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises.
- (B) Public Garage - Any garage not included within the definition of a private garage.
- Golf Course - (A) Conventional Golf Course - A golf course with a minimum of 2,800 yards of play in nine (9) holes.
- (B) Special Golf Course - Any form of golf which is not included in the definition of the Conventional Golf Course.
- Height of Building - The vertical distance measured, in the case of flat roofs, from the mean level of the surrounding ground to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs to the mean height level of the gable. Where no roof beam exist the height shall be measured to the level of the highest point of the building.
- Highway Access Point - The location or place of egress or access to a street or highway created by a driveway, minor street or another highway.
- Highway Frontage - The lot dimensions measured along the right-of-way or street line of any street or highway abutting the lot.
- Home Occupation - A commercial use customarily conducted within a dwelling by the residents thereof which is generally consistent with residential uses. Such use shall be clearly incidental and secondary to the dwelling use.
- Hotel or Motel - A building, or group of buildings, specifically designed for the temporary lodging of transient guests and in which there is no provision made for cooking in any individual room or suite of rooms.
- Junk Yard - A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.
- Kennel - A structure or group of structures for housing more than two (2) dogs that are more than six (6) months old.
- Length of Building - The longest overall horizontal measurement of the structure measured parallel to outside walls.
- Lot - A piece, parcel or plot of land occupied or to be occupied by one or more principal buildings and accessory buildings, including the open spaces required under this Ordinance. A "lot" may include one or more adjacent pieces, parcels, or plots of land on record. The area and depth of a lot shall be measured to the legal right of way line of the street.
- Lot Coverage - The lot area divided by the building area, expressed as a percentage.
- Lot Line - The boundary line of a lot.
- Lot Size - The area of the lot.
- Lot Width - The distance between the side lotline of the lot, measured along the building setback line. For corner lots, the distance between the side lot line and the street opposite, measures along the building setback line extended to said street.
- Mobile Home - A transportable single family dwelling intended for permanent occupancy, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which parcel is leased by the park owner to the occupants of the mobile home on the lot.

- Mobile Home Park - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots. Centre Township Ordinance No. 4 entitled Mobile Home Parks is hereby adopted by reference and made a part of this Ordinance but only to the extent that the provisions of the Mobile Home Ordinance are not inconsistent herewith; should there be any conflict or inconsistencies the provisions of this Ordinance shall prevail.
- Non-Conforming Structures - A structure or part of a structure manifestly not designed to comply with the applicable provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or Amendment or prior to the application of such Ordinance or Amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.
- Non-Conforming Use - A use, whether of land or a structure which does not comply with the applicable use provisions of this Zoning Ordinance or Amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or Amendment, or prior to the application of such Ordinance or Amendment to its location by reason of annexation.
- Parking Space - A space in a garage or on a lot, used for the parking of a motor vehicle, the area which is not less than 180 square feet and to which there is access from a street or alley.
- Paved Area - A percentage which when multiplied by the lot area will determine the permitted ground area which may be covered with an impervious surface.
- Joint Planning Commission - The Joint Planning Commission of Centre Township and Centerport Borough.
- Property Line - A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the legal right-of-way line of the street.
- Public Sewer - A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Resources.
- Public Water - A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Resources.
- Residence - Same as Dwelling.
- Sanitary Sewer Facility - A public municipal sanitary sewer system or a comparable common package sanitary sewer facility approved by the appropriate governmental health agency.
- School - An educational institution either offering a curriculum approved by the Department of Public Instruction or an educational institution duly accredited by the appropriate body having jurisdiction thereof.
- Signs - Any advertisement, announcement, direction, or communication produced in whole or in part by constructing, erecting, affixing or placing a structure on land or any other structure, or produced by painting, pasting, or otherwise placing any printed, lettered, pictured, figured or colored material on any building, structure, or surface, not including lettering or other identification which is part of the architectural design of a building.
- Special Exception - Permission or approval granted to an applicant pursuant to Section 1005 - (C) of this Ordinance to use land in a zoning district for a purpose other than generally permitted outright in this district. Uses permitted by special exception are specifically stated herein and shall be permitted only under the terms, procedures and conditions prescribed in this Ordinance. Special exceptions are granted or denied by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance and in the Pennsylvania Municipalities Planning Code. The burden of proof in all requests for special exceptions shall be upon the applicant to establish compliance with all requirements of this Ordinance pertaining to the grant of a special exception and all provisions applicable thereto.
- Street - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- Street Line - The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially plotted by a municipality or higher governmental authority, or between a lot and a private street, road, or way over which the owners or tenants of two or more lots held in single and separate ownership have the right-of-way. Where a future right-of-way width for a street has been established, the street line shall be the line of such future right-of-way. (See sketch No. 1).
- Street Centerline - The center of the surveyed street right-of-way, or, where not surveyed, the center of the traveled cartway. (See sketch No. 1).
- Townhouse - See Dwelling
- Use - The purpose or activity for which buildings, structures, or land is occupied or maintained.
- Variance - The permission granted for an adjustment pursuant to the provisions and criteria of Section 1005 - (D) of this Ordinance to some regulation which if strictly adhered to would result in unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance. Variances are granted or denied by the Zoning Hearing Board following a public hearing held in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.
- Yard - The required open, unoccupied space on the same lot with a building, open and unobstructed from the ground upward except as otherwise provided, and not less in depth or width than the minimum required in each district. (See sketch No. 1).

- (A) Front - The required open space, extending along the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices, and steps. The front yard shall be measured from the street line.
- (B) Side - The required open space, extending along the side line of the lot throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices and steps.
- (C) Rear - The required open space, extending along the rear line of the lot throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.

SKETCH No. 1



SKETCH PLAN DEFINING ZONING ORDINANCE
AREA AND BULK REGULATION TERMS

ARTICLE III - ESTABLISHMENT OF DISTRICTS

SECTION 301. Establishment of Districts. The Township of Centre and the Borough of Centerport are hereby divided into districts of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this Ordinance.

SECTION 302. Type of Districts. The districts are established and designated as follows:

- R-1 Farm District
- R-2 Suburban Residence District
- R-3 Urban Residence District
- MC Mixed Commerce District
- LI Limited Industrial District
- FP Flood Plain District

SECTION 303. Zoning District Maps. Districts are bounded and defined as shown on the municipal maps entitled "Zoning Districts" which accompany and which, with all explanatory matter thereon, are hereby made part of this Ordinance.

SECTION 304. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Maps, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning District Maps.
- D. Where district boundaries divide a lot, the boundaries are deemed to be lines which connect two identifiable points.
- E. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

SECTION 305. Regulations and Restrictions. Except as hereinafter provided, no erection, construction, reconstruction, alteration, repair or use of buildings, structures or land shall be permitted within the district in which such buildings, structures or land are located:

- A. For any purpose other than is permitted in the district;
- B. To exceed the height or building coverage herein established for the district;
- C. To reduce yards or other open spaces in any manner except in conformity with the area regulations established;
- D. To be located on a lot in any manner except as herein defined; and, except as hereinafter provided, in no case shall there be more than one building on one lot;
- E. Without obtaining a zoning permit issued by the Zoning Officer.

SECTION 306. Area and Bulk Regulations. Area and bulk regulations in R-1, R-2, and R-3 districts as set forth in Section 404.

ARTICLE VII - FLOODPLAIN DISTRICT

(Subject to only those provisions of Article VIII as specifically noted.)

SECTION 701. Purpose. The purpose of the FP, Floodplain District, are to:

- A. Protect individuals from buying lands and structures which are unsuitable for use because of flood hazards.
- B. Regulate development which will cause unacceptable increases in flood heights, velocities and frequencies.
- C. Restrict or prohibit certain uses susceptible to flood damage.
- D. Require all uses which do occur in floodplain to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.

SECTION 702. Municipal Liability. The granting of a permit or the making of an administrative decision shall not constitute a representation, guarantee or warranty of any kind by Centre Township, Centerport Borough, or by any official or employee thereof, of the practicability or safety of any proposed structure or use with respect to damage from floods, and shall create no liability upon, or cause action against, the Township, Borough, its officials or employees.

SECTION 703. Establishment of District

- A. The Floodplain District is hereby defined to include all of the following lands within the Township and Borough
 1. All those areas identified as having special flood hazards as delineated by the Flood Insurance Study of the Township of Centre, dated November 12, 1980, issued by the Federal Insurance Administration. Any proposed changes in the base flood elevation delineated in said study be approved by the Federal Insurance Administration.
 2. All those areas identified as approximate floodway area, as delineated by the Flood Insurance Study of the Centre Township dated November 12, 1980, issued by the Federal Insurance Administration, which shall be further delineated in detail by one of the following criteria:
 - a. Lands subject to inundation by waters of the base flood as delineated by the United States Geological Survey or the United States Army Corps of Engineers.
 - b. Lands designated by the United States Department of Agriculture, Soil Conservation service as having alluvial or floodplain soils.
 - c. Lands which have been inundated by past floods.
 - d. Lands designated by the landowner as being within the base flood boundary. For such a designation to be acceptable, supporting hydrological and hydrolic studies, performed by an individual registered in the Commonwealth of Pennsylvania to perform such studies, shall be submitted to the Zoning Officer. The Zoning Officer may request the Township Engineer to review the studies and to make recommendations within thirty (30) days on the content and accuracy of said studies. Any landowner whose property is so studied shall pay all costs for the review of these studies by the Township Engineer.

B. The provisions of the Floodplain District create an overlay which is applicable within all other Zoning Districts established by this Ordinance, as such, the provisions of the Floodplain District shall serve as a supplement to the underlying district provisions. Where there happens to be a conflict between provisions of the Floodplain District and those of any underlying district, the more restrictive provisions shall apply.

SECTION 704. Uses and Structures.

A. Permitted:

1. Agricultural uses, excluding any structures
2. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures; however, picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted if anchored to prevent flotation.
3. Activities related to the preservation and conservation of natural resources and amenities excluding any structures
4. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Resources
5. Sedimentation and erosion control measures and facilities
6. Yards and open space areas
7. One or two strand fences
8. Grading and filling which would not increase the base flood elevation
9. Community utilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission

B. Special Exceptions

1. Community utilities (except buildings) not under the exclusive jurisdiction of the Pennsylvania Utility Commission
2. Water-oriented uses and structures, fish hatcheries and water monitoring devices
3. Open pit mining, excluding the extraction of topsoil

ARTICLE IV - RESIDENTIAL DISTRICTS

SECTION 400. General Regulations. In all residential districts, Article VIII will apply.

SECTION 401. R-1 Farm District.

Specific Intent - In addition to the general goals listed in Section 102, it is the purpose of this district to encourage rural conservation and farming by preserving natural features, such as watersheds, forests and water courses, while perpetuating the rural atmosphere, open space, and scenic landscapes. Limited residential use would be permitted consistent with public health and natural environmental features.

SECTION 401A. Use Regulations, Uses by Right. A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- farm house for not more than three families
- single family detached dwelling
- farming and agricultural uses in tracts of not less than five acres and subject to the provisions of Section 807
- woodland or game preserve, wildlife sanctuary, or other conservation purpose
- municipal use: fire station, park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency
- public utility building, structure or facility
- lodges or clubs for hunting, fishing or gunning, or for other similar recreational purposes
- home occupations
- rights-of-way, streets, easements
- veterinary facilities and kennels
- accessory buildings and uses customarily incidental to the above permitted uses.

SECTION 401B. Uses of Special Exception. The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board pursuant to Section 1005 (C) described as follows:

- the storage, processing and sale of farm and forest products by a person engaged in any form of agriculture subject to the following provisions:
 1. At least two-thirds of the various types of products sold must be grown or raised on the same property on which they are sold or on other property in the Township owned or leased by the person selling the products.
 2. Any structure which is used for the sale or display of farm products shall be at least fifty (50) feet from any property line and the legal right-of-way line of any street.
 3. Off-street parking must be provided for all employees and customers.
 4. The processing of farm products must be accessory to the raising or growing of such products on the same property on which they are processed.
- refuse disposal sites provided they meet all Federal and State and local statues, ordinances and regulations thereunder.
- privately owned outdoor recreation area for use by the general public, such as camps, park picnic grounds, riding stables or academy, swimming area and golf course, provided that: (1) the use shall include only necessary accessory structures and (2) no commercial activity shall be permitted except for charging admissions, the sale of refreshments, the rent of athletic equipment, or such other purpose as is clearly incidental to the permitted outdoor recreation use.
- private airport or heliport where located subject to Section 809.
- quarries and mines for the extraction of natural resources if:
 1. A five hundred (500) feet buffer zone exists or is created to screen off the operation.
 2. Adequate control of the emission of air pollutants by requiring water to be sprinkled on the area to be cut, drilled, or worked should be established.
 3. Trucks loaded with quarried material shall have their loads washed to remove much of the dust.
 4. Ten (10) foot high fencing must be erected to protect children.
 5. All access roads are paved or treated surface in order to limit the emission of dust to comply with Township specifications.
 6. A plan for rehabilitation and reclamation of the land after cessation of the extraction activity is submitted and the owner posts a performance bond to ensure his compliance with such requirements all based upon Engineering data furnished with application, with reviews biannually.
 7. Pits shall not be excavated, operation structures shall not be erected or materials stored nearer than one hundred (100) feet to a street right-of-way, nearer than five hundred (500) feet to any property line adjacent to a residential district or existing dwelling.
- radio and television receiving and transmitting towers and broadcasting facilities subject to Section 808.

- agricultural related services limited to farm implement sales and repairs. Such services may be permitted by the Zoning Hearing Board provided the applicant demonstrates that:

1. The sales or repair service is more primarily intended to serve local agricultural needs.
2. The sales or repair service is more appropriate within the Farm District than within the Commercial District (s) otherwise provided herein.
3. Not more than one (1) acre of land area may be used for structures and the storage or display of farm implements.
4. The intended use is compatible with the character of the Farm District and will not be detrimental to adjoining properties.

- landscape nurseries and landscape services subject to the following conditions:

1. All products sold shall relate to the landscape industry.
2. All equipment used in the conduct of business, except farm equipment, shall be stored in enclosed buildings.
3. All materials that are stored outside shall be placed in back of the building setback line and adequately screened from the road and adjoining properties.

- feed mills and grain storage facilities subject to the following provisions:

1. Not more than two (2) acres of land shall be devoted to such use.
2. Adequate truck operating areas shall be located in back of the front building setback line and shall be paved.
3. The applicant shall demonstrate that dust from the processing procedures will be collected by appropriate dust collection systems.
4. The intended use shall be compatible with the character of the Farm District and the proposed location of the facility shall not be detrimental to the adjoining properties.

- gasohol production subject to the following conditions:

1. The production of gasohol shall be an accessory use on the property on which the main agricultural crop is raised which will be utilized in the production process.
2. The producer of gasohol shall be the farmer who resides on the property, provided however; that if more than one farmer is involved in the production of gasohol as a joint effort, the production facilities shall be located on the farm property of one of the producers.
3. The amount of gasohol produced shall be limited to the amount to be utilized by the producer.
4. The proposed location of the production facilities shall not be detrimental to the adjoining properties.
5. All Federal and State rules and regulations shall be complied with and copies of all permits issued, and correspondence with, the Federal and State agencies shall be filed with the Township.

- accessory buildings and uses customarily incidental to the above uses.

SECTION 401C. Special Agricultural Uses. Special agricultural uses are set forth in Section 807 hereof.

SECTION 402. R-2 Suburban Residence District.

Specific Intent - In addition to the general goals listed in Section 102, it is the purpose of this district to encourage residential development which will blend with the existing uses. With such restrictions, it will be possible for limited residential uses to develop while preserving natural features and scenic landscapes. This district has been created to reserve open areas for possible future residential development and to provide an area where persons may reside and practice their occupations.

SECTION 402A. Uses by Right. A building may be erected, altered, or used and a lot may be used or occupied for any of the following purposes and no other:

- farming and agricultural uses as provided for in R-1 district above.
- single family detached dwelling
- single family semi-detached dwelling
- single family detached, single family semi-detached, single family attached (townhouse), apartment house or groups of apartment houses on a lot when authorized as a part of a residential development planned in accordance with the specific provisions of Section 402 (C) below and provided with public water and public sewer.
- home occupation
- church and related uses
- public and parochial educational institutions and related uses
- rights of way; streets, easements
- accessory buildings and uses customarily incidental to above permitted uses.
- municipal use; fire station; park, playground or similar non-commercial recreational area owned and operated by a public or private non-profit agency; public utility building; public utility structure or facility.

SECTION 402B. Uses of Special Exception. The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board pursuant to Section 1005 (C).

- religious, educational or philanthropic uses not permitted in this Section above.
- club or lodge for fraternal or social purposes, provided that the chief activity of such use shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be primarily for the use of members and their guests only.
- hospital, convalescent home or similar institution.
- mobile home park as regulated by the Mobile Home Park Ordinance.
- gold course
- residential conversion subject to Section 813^v
- accessory buildings and uses customarily incidental to above uses

SECTION 402C. Special Development Provisions in R-2 Districts. At the option of a property owner seeking to develop a tract of land for residential purposes, with an area of not less than twenty (20) acres, a plan of development which reflects permitted modifications in the basic requirements of this district may be submitted in accordance with the provisions of this Section.

Among the objectives of this Section are (1) facilitate the provision of a variety of housing types within a specific density framework, (2) increased potential for achieving flexibility in site layout and building arrangement so as to realize a more attractive and interesting residential environment, (3) reduction in site improvement and subsequent maintenance costs, (4) avoidance of areas unsuited to development by virtue of certain natural characteristics and (5) provision of open space for recreation and conservation purposes, ordinarily not possible under zoning regulations geared to the individual lot.

1. All structures within the Planned Residential Development shall be setback a minimum of twenty-five (25) feet from the tract boundary of the Planned Residential Development.
2. There shall be no minimum requirements for lot area, side or rear yards, or lot width for single family detached dwelling units to be located on individual lots. A minimum of twenty (20) feet from both the front and rear of the building and ten (10) feet from each side of the building shall be designated as yard area for the single family detached dwelling units used as rental or condominium units without exterior lots.
3. There shall be no minimum requirements for lot area, side or rear yards, or lot width for single family semi-detached dwelling units to be located on individual lots. A minimum of twenty (20) feet from both the front and rear of the building and ten (10) feet from each side of the building shall be designated as yard area for single family semi-detached dwelling units used as rental or condominium units without exterior lots.
4. There shall be no minimum requirements for lot area, side or rear yards, or lot width for townhouse dwelling units to be located on individual lots. A minimum of twenty (20) feet from both the front and rear of the building and ten (10) feet from each end unit shall be designated as yard area for townhouse dwelling units used as rental or condominium units without exterior lots.
5. A minimum requirement of twenty (20) feet from both the front and rear of the building and ten (10) feet from each side of the building shall be designated as yard area for garden apartments.
6. There shall be a minimum distance of thirty (30) feet between all garden apartment buildings or between a garden apartment building and any other building. There shall be a minimum distance of twenty (20) feet between all other buildings.
7. There shall be no minimum distance requirement between a building and an adjacent parking area.
8. The maximum height for all buildings shall be as specified for the High Density Residential District of the Township Zoning Ordinance.
9. Parking, Streets and Other Improvements. Off-street parking shall be provided according to minimum requirements set forth in the Township Zoning Ordinance. Design, arrangement and construction of streets, utilities, and all other improvements shall conform with the Township Subdivision and Land Development Ordinance.
10. Floodplain Control. All land within the Planned Residential Development designated as floodplain or floodway by the Zoning Ordinance.
11. The maximum building coverage within areas designated for single family detached and single family semi-detached dwellings shall be thirty-five (35) percent.
12. The maximum building height for single family detached and single family semi-detached dwellings shall be thirty-five (35) Feet. Single family detached and single family semi-detached dwellings shall not be located closer than twenty (20) feet to the right-of-way lines of any street.
13. The minimum distance between a single family detached dwelling and another single family detached dwelling or between a single family semi-detached dwelling and another single family semi-detached dwelling or between a single family detached dwelling and a single family semi-detached dwelling shall be twenty (20) feet. The minimum rear yard for single family detached dwellings and single family semi-detached dwellings shall be twenty (20) feet.

14. Area, Height and Yard Requirements

Maximum Regulations	Commercial Building	School or Place of Worship
Building Height	35 feet	35 feet
Lot Coverage	35 percent	20 percent
Paved Area	40 percent	20 percent
Minimum Regulations		
Lot Area	5,000 sq ft. per establishment	3 Acres
Building Setback Line	20 feet	50 feet
Rear Yard	20 feet	50 feet
Lot Width		
At Street Line	50 feet	200 feet
At Building Setback Line	50 feet	200 feet
Side Yard		
Total	20 feet	100 feet
One Side	10 feet	50 feet

15. Townhouse Controls

- There shall be no continuous grouping of Townhouses consisting of more than seven dwelling units.
- The maximum height of a Townhouse shall be thirty-five (35) feet.
- When a Townhouse is located at an end of a continuous grouping of Townhouses, the Townhouse shall have a minimum side yard of twenty-five (25) feet.
- No Townhouse shall be closer than fifty (50) feet to a dwelling unit which is not in that row of townhouses.
- The minimum building setback line for a Townhouse shall be twenty (20) feet.
- Within areas designated for Townhouses, building coverage shall not exceed twenty (20) percent of the land area.

16. Apartment Controls

- The maximum height of an apartment building shall be thirty-five (35) feet.
- The minimum building setback line for an apartment building shall be forty (40) feet.
- The maximum length of an apartment building shall be 200 feet.
- Within areas designated for apartment buildings, building coverage shall not exceed twenty (20) percent of the land area.
- The minimum distance between an apartment building and a dwelling unit not contained within that apartment building shall be fifty (50) feet.

17. Additional Residential Controls

- All structures shall be a minimum of fifty (50) feet from the boundary line of the Planned Residential development.
- The maximum distance from the entrance to a residential building to a parking space serving dwelling units contained within that building shall be 250 feet.
- Within areas designated for apartments and townhouses, parking areas and access drives shall not exceed twenty-five (25) percent of the land area.
- Areas designated for single family detached and single family semi-detached dwellings shall not be developed at a density to exceed five (5) dwelling units per acre.

SECTION 403. R-3 Urban Residence District

Specific Intent. In addition to the general goals listed in Section 102, it is the purpose of this district to maintain existing residential areas which have the potential to be sewered or serviced by public water systems. An incentive is provided to encourage public services.

SECTION 403A. Uses by Right. A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- farming and agricultural uses as provided for in the R-1 district above.
- single family semi-detached dwelling
- single family detached dwelling
- single family attached dwelling (townhouses), apartment house or group of apartment houses on a lot subject to the special requirements of Section 403-C below; and provided that the plan for development shall be subject to the approval of the Planning Commission

- municipal use, parking, playground, or similar non-commercial area owned and operated by a public or private non-profit agency; public utility building; public utility structure or facility
- hospital, convalescent home or similar institution
- church and its related uses
- fire station
- residential conversion subject to Section 813
- funeral home
- home occupations
- rights-of-way, streets easements
- accessory buildings and uses customarily incidental to above uses

SECTION 403B - Uses on Special Exception

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board pursuant to Section 1005-C:

- mobile home parks as regulated by the Mobile Home Parks ordinance
- residential conversion subject to Section 813
- Religious, educational or philanthropic uses not permitted in this Section above
- Club or lodge for fraternal or social purposes, provided that the chief activity of such use shall not be one which customarily carried on as a business, and provided that the buildings and services shall be primarily for the use of members and their guests only
- Accessory buildings and use customarily incidental to the above use

SECTION 403C - Special Development Provisions in R-3 District

The tract of land on which such use is located shall not be less than three (3) acres in size and the maximum number of dwelling units may vary with the number of bedrooms. In no case shall the number of units permitted be more than the following:

1. Six dwelling units per gross acre for every dwelling unit with three or more bedrooms.
2. Eight dwelling units per gross acre for every dwelling unit with two bedrooms.
3. Twelve dwelling units per gross acre for every dwelling unit with zero or one bedrooms.

Special Design Requirements:

- (1) Open space and recreation area - 10% of total tract - minimum.
- (2) Two (2) parking spaces per dwelling unit - minimum

No building shall be erected within 40 feet of a street line nor less than 35 feet from a side or rear property line.

The tract of land to be developed shall be in one ownership or shall be subject of an application filed jointly by the owners of the entire tract to be developed, and the proposed development shall be constructed in accordance with an overall plan, shall be designed as a single project, and shall be served by public water and a sanitary sewer facility.

The lot area, lot width and other requirements relative to an individual lot may be reduced from the requirements of Section 404 to carry out the provisions of this Section. The maximum paved area shall not exceed 15% where public water and sewers are provided, 10% when public sewer and on site water, and five percent where both services are on site.

- (3) No dwelling type listed in 402A shall comprise more than 70% of the total number of dwelling units within the development.

SECTION 404.

DISTRICT	R-1		R-2		R-3	
	Farm	On lot sewer & water	One on lot	On lot sewer & water	One on lot	Both Public sewer & water
Maximum Regulations						
Building Height (feet)	35	35	35	35	35	35
Lot coverage (5)	25	15	15	20	20	20
Minimum Regulations						
Building setback line (feet)	50	35	30	35	30	25
Lot size per dwelling unit - (acres or square feet)	1A	30,000	20,000	20,000	10,000	5,000
Lot width (feet)	100	75	50	60	45	35
Yard Requirements (feet)						
Rear yard	50	35	35	25	20	15
Side yard	50	25	20	35 (a)	25 (a)	15
One side	20	10	10	15 (b)	10 (b)	5

(a) for each detached, semi-detached and end lot of attached dwellings

(b) for detached dwellings only

ARTICLE V - MIXED COMMERCIAL DISTRICT

Specific Intent - In addition to the general goals listed in Section 102, it is the purpose of this district to provide an area which permits small commercial activities. These uses would be professional and small retail shops. When required, setbacks and lot sizes would be reduced to conform with residential properties.

SECTION 500. General Regulations (Article VIII applies in this District)

SECTION 501. Uses by Right - A building may be created, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- residential dwellings
- banks and other financial institutions
- bowling alleys
- business and professional offices
- confectionery and bakery shops
- dwellings when in combination with a business use
- firehouses and similar public buildings
- medical and dental clinics
- motor vehicle, farm implement and farm equipment
- sales and service establishments
- mortuary
- municipal buildings and uses
- parking lot
- personal service shops, including tailor, barber, beauty shop, dressmaking, shoe repair or similar shop
- privately owned and publicly owned recreation facilities
- public utility service buildings and structures
- retail stores and shops, restaurants, taverns, hotels, motels, theatres, dry cleaning and laundry establishments
- rights-of-way, streets, easements
- veterinary facilities, and kennels when associated with veterinary facilities
- accessory buildings and uses customarily incidental to the above permitted uses.

SECTION 502. Uses by Special Exception - The following uses are permitted when special exception are granted by written approval of the Zoning Hearing Board, pursuant to Section 1005 (C):

- churches
- restaurant with drive-in service subject to the following requirements:
 - a. Minimum lot size shall be no less than one acre.
 - b. A buffer strip along front lot line not less than ten (10) feet except where entrance and exit drives exist.
- gasoline service station subject to the following additional requirements:
 - a. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
 - b. Fuel pumps may be located within the front yard but shall be at least twenty (20) feet from any street line.
 - c. All automobile parts, dismantled vehicles and similar articles shall be stored within the building.
- repair garage facility, located principally within an enclosed structure subject to the following requirements:
 - a. Minimum lot size shall be not less than two(2) acres.
 - b. No building shall be closer than seventy-five (75) feet to any lot line.
 - c. A minimum ten (10) foot buffer yard along side and rear lot lines shall be planted with a hedge of evergreen trees and other appropriate ground cover of sufficient height and density to give maximum screening. Such screening shall be permanently maintained and replaced when necessary to present an attractive appearance.
 - d. All repair activities shall be performed within a completely enclosed building.
 - e. All outdoor storage of dismantled vehicles, automobile parts and similar parts shall be adequately screened from view by a six (6) foot high fence constructed of material through which the outdoor storage of materials is not visible.
- car washing facilities subject to the following additional requirements:
 - a. Minimum lot size shall be not less than one (1) acre.
 - b. No structure shall be located closer than seventy-five (75) feet to any lot line.
 - c. An approach drive to accommodate a minimum of ten (10) cars shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare.
- mobile home park subject to provisions of Mobile Home Park Ordinance
- any other use which the Zoning Hearing Board considers to be of the same general character as any of the following uses, provided that none of the following uses shall be permitted:
 - a. Any process of manufacture assembly or treatment which is not clearly incidental to retail business constructed on the premises, or which normally constitutes a nuisance by reason of odor, noise, dust or smoke, even is incidental to a retail business conducted on the premises.

- b. Lumber and coal yards, building material storage yards and commercial warehouses except where these uses are within a completely enclosed structure.
- c. The storage of volatile products, except those which are used on the premises in the conduct of business on the premises.

The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

- shopping centers. The request for a permit to construct a shopping center shall be accompanied by the following information:

a. A plan for the integrated development of the total area to be developed which shall be drawn to scale and shall include among other things:

1. The location, boundaries, dimensions, and ownership of the land to be included in the area for which the application is made.
2. The location, dimensions, arrangement, and proposed use of all buildings and open spaces, yards, access-ways, entrances, exits, off-street parking facilities, buffer areas and screening devices.
3. A description of the provisions made for sewage and waste disposal, water supply and storm water drainage.
4. Sufficient data, in all instances, to enable the Township or Borough to judge the effectiveness of the design and the character of the proposed use, its compliance with the requirements of this Article, and to consider properly such things as its relationship to surrounding areas, anticipated traffic, public health, safety and welfare.

- accessory uses buildings customarily incidental to the above uses.

SECTION 503. Performance Standards: The following regulations shall be observed for each use:

- No potentially dangerous effluent from operations shall be discharged.
- No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.
- No loading shall be permitted in the area between the building setback line and the street line.
- No flashing signs shall be permitted.
- No sign-facing shall be readable from the rear of the property where it abuts a residential district.
- No sign advertising a use not conducted or goods not sold on the premises shall be permitted.

SECTION 504. Area and Bulk Regulations. The provisions of Section 605 apply to the foregoing section where applicable.

SECTION 505. Highway Frontage Development. The provision of Section 816 shall apply to the foregoing section.

ARTICLE VI - LI LIMITED INDUSTRIAL DISTRICTS

Specific Intent. In addition to the general goals listed in Section 102, it is the purpose of this district to provide suitable regulations for free standing industrial uses. Such uses can be located near residential and commercial uses if sufficient setbacks are maintained and provided that there are no dangerous operations.

SECTION 600. General Regulations. Article VIII is applicable to this district.

SECTION 601. Uses by Right. Any land, building, or premises shall be used for only one or more of the following:

- Laboratory
- Office building
- Manufacture of precision instruments and the like
- Manufacture and assembly of electrical appliances, supplies and equipment
- Printing or publishing establishment
- Indoor storage building or warehouse
- Manufacture of products from previously prepared materials such as bone, canvas, cellophane, cork, feathers, felt, hair, glass, leather
- Manufacture of beverages, clothing and other textile products, cosmetics, luggage, perfumes, plastic products, rubber products, toys, sporting equipment and small wood and paper products.
- Light metal processes, including metal finishing, grinding, polishing or heat treatment, metal stamping and extrusion of small products.
- Packaging and bottling establishments
- Compounding of pharmaceutical products
- Wholesale and distribution business when carried on in an enclosed building
- Trucking establishments
- Contractor or general service shop
- Laundry
- Public utility building, public utility structure or facility
- Rights-of-way, streets, entrance
- Accessory uses on the same lot with, and customarily incidental to the above permitted uses
- A residential dwelling as an accessory use to an industrial use

SECTION 602. Uses in Special Exception. The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board pursuant to Section 1005 (C):

- Retail sale of goods
- Retail repair of goods
- Assembly and fabrication of steel and metal products
- Manufacture of building materials; heavy electrical equipment; machinery; machine tools
- Chemical and chemical products manufacture, not involving noxious odors or danger from fire
- Outdoor storage, provided that such storage is located so as not to be visible from the property line or is enclosed by a satisfactory fence or plantings
- Any use of the same general character as any of the above permitted uses subject to such additional reasonable safeguards as the Zoning Hearing Board may determine
- Junk yards provided the following criteria are met:
 - a. No junk shall be stored closer than three hundred (300) feet from an existing dwelling unless the junk is stored in completely enclosed buildings in which case the building may be located no closer than one hundred (100) feet from an existing dwelling.
 - b. No junk shall be stored closer than one hundred (100) feet from the legal right-of-way of any street.
 - c. All open junk storage areas shall be enclosed by a protective type fencing which shall be a minimum of six (6) feet high or a screen of plant material as approved by the Zoning Hearing Board.
 - d. All additional requirements of the Township, State and Federal Government are to be met, such as but not limited to the provisions of the Township Junk Yard Ordinance.

SECTION 603. Performance Standards. If in the opinion of the Zoning Officer any proposed industrial use could create a fire hazard, or emit smoke, noise, odor or dust, or could produce other results which could be obnoxious or detrimental to other properties either because of the production process or the suitability of the site, he shall refer the proposed use to the Zoning Board. The Board after hearing, shall determine if any of these conditions would or would not be created by the proposed use. If the Board determines that any of these conditions would be created, it shall require assurances, by means of special design of the structure or processing procedures or equipment, that the detrimental conditions will not be created. Upon submittal of these assurances, the Board shall direct the Zoning Officer to issue a Permit for the proposed use. Any permit whose conditions have been violated is subject to revocation, in addition to any other remedies available under law. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

SECTION 604. Special Procedural Requirements Relating to an Industrial Park. The application for a permit to construct an industrial park, or to erect two or more permitted industrial uses on a lot, shall be accompanied by a plan which shall comply with the provisions of the County and Township subdivision regulations.

SECTION 605 - Table of Area and Bulk Regulation (Commercial and Industrial Districts)

District	Mixed Commerce	Industrial
Maximum Regulations	(MC)	(LI)
Building height (feet)	40	40
Lot coverage	60%	70%
Minimum Regulations		
Building setback line (feet)	50	50
Lot size (acres or sq. ft. per use)	10,000	1 acre
Lot width (feet)	75	100
Yard Requirements (Feet)		
Rear yard	30	25
Side yard		
Total	30	30
One side	15	15

SECTION 606. Highway Frontage Development. The provisions of Section 816 apply to the forgoing Section.

ARTICLE VII - FLOODPLAIN DISTRICT

(Subject to only those provisions or Article VIII as specifically noted.)

SECTION 701. Purpose. The purpose of the FP, Floodplain District, are to:

- A. Protect individuals from buying lands and structures which are unsuitable for use because of flood hazards.
- B. Regulate development which will cause unacceptable increases in flood heights, velocities and frequencies.
- C. Restrict or prohibit certain uses susceptible to flood damage.
- D. Require all uses which do occur in floodplain to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.

SECTION 702. Municipal Liability. The granting of a permit or the making of an administrative decision shall not constitute a representation, guarantee or warranty of any kind by Centre Township, Centerport Borough, or by any official or employee thereof, of the practicability or safety of any proposed structure or use with respect to damage from floods, and shall create no liability upon, or cause action against, the Township, Borough, its officials or employees.

SECTION 703. Establishment of District

- A. The Floodplain District is hereby defined to include all of the following lands within the Township and Borough
 1. All those areas identified as having special flood hazards as delineated by the Flood Insurance Study of the Township of Centre, dated November 12, 1980, issued by the Federal Insurance Administration. Any proposed changes in the base flood elevation delineated in said study be approved by the Federal Insurance Administration.
 2. All those areas identified as approximate floodway area, as delineated by the Flood Insurance Study of the Centre Township dated November 12, 1980, issued by the Federal Insurance Administration, which shall be further delineated in detail by one of the following criteria:
 - a. Lands subject to inundation by waters of the base flood as delineated by the United States Geological Survey or the United States Army Corps of Engineers.
 - b. Lands designated by the United States Department of Agriculture, Soil Conservation service as having alluvial or floodplain soils.
 - c. Lands which have been inundated by past floods.
 - d. Lands designated by the landowner as being within the base flood boundary. For such a designation to be acceptable, supporting hydrological and hydrolic studies, performed by an individual registered in the Commonwealth of Pennsylvania to perform such studies, shall be submitted to the Zoning Officer. The Zoning Officer may request the Township Engineer to review the studies and to make recommendations within thirty (30) days on the content and accuracy of said studies. Any landowner whose property is so studied shall pay all costs for the review of these studies by the Township Engineer.
- B. The provisions of the Floodplain District create an overlay which is applicable within all other Zoning Districts established by this Ordinance, as such, the provisions of the Floodplain District shall serve as a supplement to the underlying district provisions. Where there happens to be a conflict between provisions of the Floodplain District and those of any underlying district, the more restrictive provisions shall apply.

SECTION 704. Uses and Structures.

- A. Permitted:
 1. Agricultural uses, excluding any structures
 2. Public and private parks and recreation areas, excluding swimming pools, campsites, and any structures; however, picnic tables, park benches, fireplaces, grills and playground equipment shall be permitted if anchored to prevent flotation.
 3. Activities related to the preservation and conservation of natural resources and amenities excluding any structures
 4. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Resources
 5. Sedimentation and erosion control measures and facilities
 6. Yards and open space areas
 7. One or two strand fences
 8. Grading and filling which would not increase the base flood elevation
 9. Community utilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission
- B. Special Exceptions
 1. Community utilities (except buildings) not under the exclusive jurisdiction of the Pennsylvania Utility Commission
 2. Water-oriented uses and structures, fish hatcheries and water monitoring devices
 3. Open pit mining, excluding the extraction of topsoil

4. Culverts, bridges and the approaches to such culverts and bridges, as approved by the Pennsylvania Department of Environmental Resources.
5. Parking lots, loading areas, driveways and any other paved at-grade structures.
6. Floodproofing and flood hazard reduction structures for non-conforming uses and structures
7. Residential structures, where permitted in the applicable underlying zoning district, when the lowest floor (including basements) is elevated to one (1) foot above the base flood elevation
8. Non-residential structures, where permitted in the applicable underlying zoning district, when the lowest floor (including basement) is elevated to one (1) foot above the base flood elevation, or is floodproofed so that the structures shall be watertight below the base flood elevation
9. Other uses determined by the Zoning Hearing Board to be the same general character as those listed above and which will not be detrimental to any permitted uses and structures

C. Prohibited

1. All uses prohibited either expressly or implicitly in the underlying district
2. Sanitary landfills and junk yards
3. Stripping of topsoil, exclusive of the process of grading a lot preparatory to the construction of structures for which a zoning permit has been issued
4. On-site sewage disposal systems
5. Swimming pools
6. Cemeteries
7. Feedlots
8. Wild, domestic or farm animals enclosures which will not allow all animals to escape floodwaters without human intervention
9. Stockpiling, storage, or disposal of buoyant materials, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal or plant life
10. Floodproofing of new residential structures

SECTION 705. Area, Lot Width and Coverage Requirements. Minimum requirements shall be as required within the applicable underlying zoning district.

SECTION 706. Setback Regulations. Minimum requirements shall be required within the applicable underlying zoning district.

SECTION 707. Building Height Regulation. Minimum requirements shall be required within the applicable underlying zoning district.

SECTION 708. Off-street Parking Regulations. As provided for in Section 805.

SECTION 709. Sign Regulations. As provided for in Section 804.

ARTICLE VIII - GENERAL REGULATIONS

Specific Intent: In addition to the general purposes listed in Section 102, it is the purpose of this Article to provide specific controls over certain aspects of land utilization. Because these uses may affect the health, safety and general welfare of the community, it is important that these additional controls be applied.

SECTION 801. Applicability. Except where specifically noted, these controls shall apply to Articles IV, V, VI, and VII. Subject to limitations imposed in those articles.

SECTION 802. Accessory Uses.

A. Residential accessory use regulations. Accessory buildings, animal shelters, detached garages, greenhouses, utility sheds, and other outbuildings shall not be permitted between the building setback line and the street line, nor within ten (10) feet of the street line.

Amateur and citizen band antennas shall be considered accessory to residential uses. See Section 808 of Article VIII.

Swimming Pools - No structure shall be permitted unless a permanent continuous fence of four (4) feet in height, together with a locking gate surrounds the facility. No structure shall be permitted between the building setback line and the street line.

Residential Businesses - All dwellings with direct access to a public street, except apartment units, may be used for the practice of home occupation.

Other Use Controls - No commercial or industrial activities except those permitted as a home occupation shall be permitted.

No activities shall be permitted which create a public nuisance and/or interfere with the use of adjacent residential lots.

B. Industrial and Commercial Accessory Uses. Storage areas - All such facilities shall be located in an area which has direct access to a street or driveway. No such area shall be located within fifty (50) feet of any street line.

Facilities Building - Facilities designed to provide services to the entire community shall be permitted as accessory uses even though there is no direct relationship to the primary use.

Living Quarters - Living quarters shall be permitted for watchman, caretakers, or similar employees.

SECTION 803. Conformity and Non-Conformity Regulations.

A. Conformity of Proposed Land Uses. From and after the effective date of this Zoning Ordinance, any existing or proposed structure, building, sign, or land shall not be erected, constructed, placed, altered, extended, maintained, used or occupied except in conformity with this Ordinance.

B. Continuance of Non-Conforming Uses and Structures. From and after the effective date of this Ordinance, any use existing at the time of enactment of this Ordinance, but not in conformity with the permitted use provisions for the District in which it is located, may be continued subject to the following limitations:

1. Expansion of Non-Conforming Uses.

a. No expansion of a non-conforming structure or use shall hereafter be made unless an appeal has been filed with the Zoning Board and such expansion has been approved by such Board as a special exception; provided, however, that the expansion of the non-conforming use shall be limited to a distance of two hundred (200) feet in any direction from the existing non-conforming use and for the same use, or in the case of a building, the expansion shall be limited to an area equal to fifty (50) percent of the existing total usable floor area of the building; and provided, further, that any expansion of a non-conforming building or use shall be limited to the lot limits which existed on the property in question at the time of enactment of this Ordinance.

b. Notwithstanding anything contained herein to the contrary, the foregoing limitations on the allowable distance and percentage of expansion for a non-conforming use shall only apply for a period of ten (10) years from the date a non-conforming use is lawfully expanded to such limits. After said ten (10) year period has elapsed, the Zoning Hearing Board may approve, as a special exception, a further expansion of the non-conforming use which shall again be limited to a distance of two hundred (200) feet in any direction from the existing non-conforming use or to an area equal to fifty (50) percent of the total usable floor area of the building. This further right of expansion shall be noncumulative if not exercised, and the Zoning Hearing Board shall not approve an expansion or expansions in excess of the foregoing limitations during any period of ten (10) years. It is the intention of this provision to allow progressive expansion of a non-conforming use where needed to provide for its natural expansion and the accommodation of increased trade, so long as such additions are not detrimental to the public health, safety, and welfare. Provided, however, that all such further expansions shall be limited to the lot limits which existed on the property in question at the time of the enactment of this Ordinance.

2. Continuity of a Non-Conforming Use. No non-conforming use may be re-established after it has been discontinued for twelve (12) months. Vacating of premises or buildings or non-operating status of such premises or buildings shall be conclusive evidence of discontinued use.
3. Substitution of Non-Conforming Uses. No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed non-conforming use is not more detrimental to the District than the existing non-conforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safe-guards as may be required in connection with such change and the granting of such special exception.
4. Damage to Non-Conforming Structures. A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from the time of damage to the structure and shall be pursued diligently to completion.
5. Discontinued Non-Conforming Use of Open Land. All non-conforming signs, billboards, junk areas, and other non-conforming uses of open land, when discontinued for a period of ninety(90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed.
6. Substitution of a Non-Conforming Use with a Conforming Use. If a non-conforming use is proposed to be eliminated and a conforming use substituted but certain land regulations cannot be met (such as area, yard, etc.) the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.
7. Signs - When a sign is utilized in advertising a non-conforming use located on the same premises as the non-conforming use, the Zoning Hearing Board may grant a special exception to permit a type and size of sign not otherwise permitted in the District in which the non-conforming use is located. The Board shall determine that the proposed location, size, and the type of construction will not be detrimental to the adjoining properties. The burden shall be upon the applicant to prove that the approval of the application for such a sign will not be detrimental to the health, safety and general welfare of the community.

C. Non-Conforming Lots.

1. Lot Area Exceptions - Any lot represented on the effective date of this Zoning Ordinance by an existing deed which does not meet the minimum area and lot size requirements of the Zoning District in which it is located shall be regarded as non-conforming and may be used for any use permitted in that District. However all yard, height and open space requirements for that District shall be met unless a special exception is granted by the Zoning Hearing Board.
2. Prior Recorded Plans - If the lot size on those subdivisions plan that were approved by the Township or Borough and recorded in the Office of the Recorder of Deeds prior to the adoption of this Ordinance do not meet the minimum requirements of the District in which the tract is located, the Zoning Hearing Board may grant a special exception to the required minimum lot size requirement if the Zoning Hearing Board determines that a hardship would be created by requiring the redesign of the subdivision so that the lots would conform to minimum requirements and further that the smaller lot sizes would not be a detriment to the District in which the lot is located.

SECTION 804. Sign Regulations. All exterior signs, billboards, and/or advertising structures are subject to the following regulations:

A. Permitted Uses in Residential Districts.

1. Signs permitted without requirement of a permit for erection when erected and maintained in conformity with this Ordinance.
 - a. Governmental Signs - Official traffic and street name signs, identification, informational and/or directional signs required by governmental bodies.
 - b. Temporary Real Estate Signs - Temporary real estate signs (ie, sale, sold, rented, development) when placed on property to be sold, rented, or developed provided the signs do not exceed four (4) square feet and the signs placement does not exceed ninety (90) days.
 - c. Professional, Home Occupation and Trespassing Signs - Professional, accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling and trespassing signs, or signs indicating the nature of a driveway or premises providing:
 - (1) The area on one side of any sign shall not exceed two (2) square feet.
 - (2) The sign shall be erected on the property it identifies.
 - (3) There shall be no more than two (2) such signs on the premises except that this requirement shall not be applicable to trespassing signs, or private property signs.
 - d. Temporary Signs - Temporary signs advertising a sale or event sponsored by a civic or religious group, provided that such signs shall not be displayed in excess of thirty (30) days and shall be promptly removed after the event.

- e. Farm Product Signs - Signs advertising the sale of farm products, provided that:
 - (1) The area on one side of any such sign shall not exceed ten (10) square feet.
 - (2) Not more than two (2) such signs shall be erected and maintained on the premises in question to which they relate.
 - (3) Such signs shall be displayed only when such products are sold.
 - f. Public Utility Signs - Signs which are necessary for the operation, identification, or protection of public utility facilities.
2. Signs permitted only after acquisition of permit from Zoning Officer.
- a. Real Estate Signs
 - (1) Signs advertising the sale or rental of premises, provided that:
 - (a) Such signs shall be erected only on the premises to which they relate.
 - (b) The area on one side of any sign shall not exceed twelve (12) square feet.
 - (c) No more than two (2) such signs shall be placed on any lot or premises.
 - (2) Signs indicating the location of premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder or agent; provided that:
 - (a) The area on one side of any such sign shall not exceed twenty-four (24) square feet.
 - (b) Not more than one such sign shall be erected on each five hundred (500) feet of street frontage.
 - (3) Signs indicating the direction to premises available for or in the process of current development; provided that:
 - (a) The area on one side of any sign shall not exceed four (4) feet.
 - (b) The signs shall be promptly removed when the purpose for which they were erected or placed ceases to exist.
 - b. Contractors, Mechanics and Artisans Signs - Temporary signs of contractors, engineers, architects, mechanics and artisans, provided that:
 - (1) Such signs shall be erected only on the premises where such work is being performed.
 - (2) The area on one side of any such sign shall not exceed twenty-four (24) square feet.
 - (3) Such signs shall be removed promptly upon completion of the work.
 - c. Public Building Signs. Signs for schools, colleges, churches, hospitals and other public institutions, as well as signs indicating the nature of a particular organization, home for the aged, nursing or convalescent home, farm or estate, shall not exceed twenty (20) square feet on one side of any such sign, except that the Zoning Hearing Board may grant a special exception for the use of a larger sign. The Board may attach limitations on the size, location, design and type of the larger sign so as to protect the appearance and character of the District. The burden shall be on the applicant to prove that the approval of the application for such a sign will not be detrimental to the health, safety and general welfare of the community.
 - d. Business Directional Signs. Business directional signs shall conform to the following:
 - (1) No such sign shall be wider than four (4) inches or longer than twenty-four (24) inches.
 - (2) The top of any sign shall be no more than four (4) feet from the ground surface immediately underneath.
 - (3) No industrial, commercial, or business establishment shall erect, place, install, or maintain more than three (3) such signs within the Township or Borough.
 - (4) No more than three (3) such signs may be placed at any one corner of an intersection.
 - (5) No such sign may be erected, placed, installed, or maintained without the permission of the owner of the real property involved.
 - (6) All signs shall relate only to those businesses permitted in the district in which the sign is located.

SECTION 804B. Permitted Uses in Commercial and Industrial Districts.

All advertising structures and signs, except panel signs (billboards) must relate to the business conducted on the premises on which the sign is located.

- 1. One (1) projecting or free standing sign is permitted provided the area on each side, limit of two (2) sides does not exceed fifty (50) square feet. Other projecting or free standing signs are permitted if they do not exceed twenty (20) square feet on each side, limit of two (2) sides, and are limited to one (1) sign per fifty (50) front feet of property or major fraction thereof. The above permitted sign uses are also subject to the regulations as set forth in Section 804C.
- 2. Real Estate Signs.
 - a. Signs advertising the sale or rental of premises, provided that:
 - (1) Such signs shall be erected only on the premises to which they relate.
 - (2) The area on one side of any of any sign shall not exceed forty (40) square feet.
 - (3) Not more than two (2) such signs shall be placed on any one lot or premises.

3. Any sign as permitted in the Residential District.
4. The Zoning Hearing Board may grant a special exception as to the number and size of additional signs under the following conditions:
 - a. The burden shall be upon the applicant to prove that the approval of the application for such a sign will not be detrimental to the health, safety, and general welfare of the community.
 - b. One additional sign may be permitted on each street on which the property abuts provided the minimum frontage is one hundred (100) feet. Under no circumstances may the size of the sign exceed eighty (80) square feet on each side.
5. Panel Type Sign (Billboards). Signs which advertise products or services other than those which are sold on the premises where the sign is located are permitted subject to the following conditions, as well as all other applicable requirements.
 - a. The panel shall not exceed twenty-four (24) square feet in area on one side.
 - b. No more than one panel (two sides) shall be permitted at one location.
 - c. No sign shall be erected less than six hundred (600) feet from existing residential areas.
 - d. A minimum of one thousand (1,000) feet distance shall be maintained between a proposed advertising sign and any other proposed or existing advertising sign. This minimum distance shall be measured radially from the furthest extension of any proposed or existing advertising sign.
 - e. If lighted, a non-glare lighting fixture designed for outdoor use must be used.
 - f. No sign shall be more than ten (10) feet high.
 - g. All panel type signs shall be set a minimum distance of thirty (30) feet back from the street right-of-way line.

SECTION 804C. General Sign Regulations.

The following regulations shall apply to all permitted sign uses.

1. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic on a street or intersection by obscuring the view.
2. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lighting.
3. No sign or sign-bearing structure other than official traffic signs and public utility signs shall be erected within or extend into the right-of-way of a street unless authorized by the Zoning Hearing Board as a special exception.
4. No sign shall contain or use flashing, intermittent, or rotating illumination, except official traffic control signs, and those parts of a sign which show time and/or temperature.
5. If the sign is lighted, no objectionable glare shall result.
6. No free standing sign shall be higher than twenty (20) feet and no sign which is attached to a building shall be higher than the height limit of the permitted principal uses in the district in which the sign is located provided however, if other provisions of this Article establish lower height restrictions for certain types of signs, the lower height limit shall control.
7. All signs must be constructed of durable materials, must be kept in good condition and repair, and shall not be allowed to become dilapidated. A dilapidated sign shall be removed upon notification to the owner or leasee of the property on which it is located. If not removed within forty-five (45) days of notification from the Zoning Officer, the Township or Borough may remove sign at the expense of the owner or leasee.
8. No sign shall be erected or located so as to prevent free ingress or egress from any window, door, or fire escape.
9. No sign shall be permitted which is pasted, stapled, or otherwise permanently attached to public utility poles or trees within the right-of-way of any street.
10. The area of any sign shall be the product computed by multiplying the greatest height by the greatest width of the sign's major face, including trim or frame.
11. All signs shall be promptly removed when the purpose for which they were erected or placed ceases to exist.
12. Nothing contained herein shall be construed to abrogate or affect the provisions of any lawful or federal statute or regulation controlling outdoor advertising which are more restrictive than the provisions of this Ordinance.

SECTION 804D. Non-Conforming Signs.

Any sign which lawfully existed and was maintained at the effective date of this Revised Zoning Ordinance may be continued provided that it meets the requirements of Section 804C, No. 7 above.

SECTION 805. Parking Regulations.

Specific Intent - It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land. Requirements are intended to be based on the demand created by each use.

SECTION 805A. Design Requirements for Parking Facilities.

1. Size. The size of a parking space for one vehicle shall not be less than one hundred eighty (180) unobstructed square feet of space. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred eighty (180) unobstructed square feet of space shall be used.
2. Access. Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
3. Surface. The parking facilities shall be paved with a hard all-weather surface which may include, stone, concrete, or bituminous material.
4. Location. All parking spaces shall be provided on the premises except that after Zoning Hearing Board approval, all or part of the required number of spaces may be provided on a separate lot or lots within five hundred (500) feet from such premises.

SECTION 805B. Minimum Parking Requirements.

1. Dwelling - two (2) spaces for each dwelling unit.
2. Hotel, motel, tourist home, boarding house - One (1) space for each rental unit.
3. Theatre, auditorium, church, stadium, membership club, lodge hall, funeral home and similar places of public assembly - One (1) space for each five (5) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes.
4. Restaurant or Tavern - One (1) space for each four (4) seats of planned capacity and one (1) space for each two (2) employees on duty.
5. Medical Clinic or Doctor's Office - Six (6) spaces for every doctor engaged in practice at the clinic or office.
6. Nursing home, convalescent home or retirement home - Two (2) spaces for each five (5) beds in the home, plus one (1) space for each two employees; where individual dwelling units are provided in the form of apartments or bungalows, one (1) space per dwelling unit is required.
7. Commercial business establishments other than those specifically mentioned in this Section - Sufficient space to accommodate the cars of all persons to be employed on the premises and to have business thereon. In no case shall there be less than one (1) space for every three hundred (300) square feet of floor space other than warehouse or storage area.
8. Manufacturing or Industrial establishments - Generally one (1) space for each two (2) employees, computed on the maximum number of employees at any one time on the premises. In all cases a plan shall accompany the application for the permit which shall provide relevant data to show that the facilities to be provided will in fact meet all anticipated needs for its ownership, employees, visitors and all other parties using the plant.
9. All structures and uses not specifically mentioned above - Sufficient space shall be provided to accommodate the vehicles of all persons regularly to be employed, to have business thereon or to reside on the premises.

SECTION 805C. Special Exception.

If the vehicle parking spaces required above cannot reasonably be provided on the same lot which the principal use is conducted, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot. Such off-lot parking spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot space may not be claimed by more than one user for use at the same time. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

SECTION 805D. Off-Street Loading and Unloading Space.

Adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The Zoning Hearing Board may grant a special exception where a hardship would result when an existing use is expanded and the off-street loading and unloading requirements of this Ordinance would otherwise have to be met. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

SECTION 805E. Parking and Storage of Vehicles.

Automotive vehicles of any kind or type without current license plates and/or current inspection stickers shall not be parked or stored on any residentially, rurally or agriculturally zoned property, other than in completely enclosed accessory buildings. The requirements of this Section shall not be applicable to implements and other vehicles not normally used as conveyances on public highways.

SECTION 806. Slope Controls.

- A. Designation of Area. Areas to be regulated under this Section shall be indicated generally on a topographical

map maintained by the Joint Planning Commission and available to the Zoning Officer. The Zoning Officer shall indicate this fact on the Zoning Permit, Section 906 of this Ordinance.

B. Uses Permitted. The following uses are the only uses permitted by right in areas subject to slope controls: - i.e. where the grade of the slope exceeds twenty-five (25) percent.

- parks and outdoor recreation
- open areas or yards, subject to the restrictions of this Ordinance
- agricultural uses and tree farming when conducted in conformance with conservation practices that ensure sufficient protection against soil erosion

The following use is permitted by Special Exception when authorized by the Zoning Hearing Board:

- buildings constructed in accordance with the regulations of the prevailing Zoning District on a grade exceeding twenty-five (25) percent if the building is constructed in such a manner which does not disturb the existing grade and natural soil condition and further the applicant shall submit to the Zoning Hearing Board a statement prepared by a registered architect with an explanation of the building methods to be used in overcoming foundations and other structural problems. Such statement shall also include an explanation of the manner by which natural watershed will be maintained and soil erosion prevented. The application will be referred to the Township Engineer for his review and recommendations to the Zoning Hearing Board.

SECTION 807. Special Agricultural Uses.

A. Poultry houses for more than five hundred (500) birds shall not be located closer than fifty (50) feet from all property lines nor closer than seventy-five (75) feet from street center lines, provided however, that the poultry house shall not be located closer than three hundred (300) feet from all existing dwelling units other than the dwelling unit owned by the person conducting the poultry house. A properly designed turn-around facility shall be provided in order that vehicles leaving the property can enter the roadway front first.

The Zoning Hearing Board may permit the construction of the poultry house closer to existing dwelling units than three hundred (300) feet, but in no case less than one hundred fifty (150) feet, provided that the Zoning Hearing Board finds that because of the predominate wind direction, topographic conditions, the reduced distance will not create a more detrimental effect to the existing building than if three hundred (300) feet distance were required. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

B. Structures for housing more than twenty-five (25) head of livestock shall not be located closer than fifty (50) feet from all property lines nor closer than seventy-five (75) feet from street centerlines, provided, however, that the livestock facility shall not be located closer than three hundred (300) feet from all existing dwelling units other than the dwelling unit owned by the person constructing the livestock facility. A properly designed turn-around facility shall be provided in order that vehicles leaving the property can enter onto the roadway front first.

The Zoning Hearing Board may permit the construction of the poultry house closer to existing dwelling units than three hundred (300) feet, but in no case less than one hundred and fifty (150) feet, provided that the Zoning Hearing Board finds that because of the predominate wind direction, topographic conditions, the proposed building location and orientation special design features, the reduced distance will not create a more detrimental effect to the existing building than if the three hundred (300) feet distance were required. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

C. Mushroom farming.

1. This activity shall not be located within one thousand (1,000) feet of another Zoning District or existing residence located within any other Zoning District.

2. A minimum lot size of five (5) acres is required for these activities which shall be so located on the lot as to provide front, side and rear yards of two hundred (200) feet. The maximum height of building used for such use is forty-five (45) feet, excluding appertenances and the maximum building coverage including accessory structures is forty (40) percent.

3. Composting on a commercial basis is prohibited. Any on-site composting shall be limited for use on the premises on which such composting is made and produced.

4. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect and rodent problems or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by the building.

5. All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls, or year round planting and/or other suitable enclosures having a minimum height of seven (7) feet and a buffer width of ten (10) feet.

D. The Zoning Hearing Board may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, provided that the Zoning Hearing Board finds that expansion of such facilities will not be detrimental to surrounding properties than the existing use. The burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community.

SECTION 808. Antennae.

A. Commercial Radio and Television Studios and Transmitting Facilities.

1. Commercial radio and television studios and transmitting facilities and towers shall be a permitted use in farm and industrial zoning districts, subject to the provisions of Paragraph 3, below. These facilities shall be permitted in residential districts and commercial districts if approved by the Zoning Hearing Board under the provisions of paragraph 1005 (c).
2. Amateur Radio and Citizen Radio Service Stations. In all zoning districts, duly licensed radio and television transmitting and receiving stations of the Amateur Radio Service that are accessory to the established primary use shall be permitted.
3. Radio and Television Transmitting and Receiving Antennae and Antenna Structures.
 - a. Radio and television transmitting and receiving antennae and antenna structures mounted atop an existing building shall not exceed a height of twenty-five (25) feet above the established roof line. These structures shall include roof mounted, chimney mounted structures.
 - b. Radio and television transmitting and receiving antennae and antenna structures ground mounted or bracketed to the side of existing building shall not exceed seventy-five (75) feet in height.
 - c. In all zoning districts, radio and television transmitting and receiving antennae and antenna structures exceeding the heights specified in Sections a and b above, shall be governed by Section B, below.

B. Antennae.

1. Antennae and antenna structures exceeding the heights specified in Section 3 above shall be permitted in all zoning districts provided that the allowing requirements are met along with any other requirements deemed necessary by the Zoning Hearing Board so as to protect the health, safety and welfare of the public.
 - a. Such antennae and antenna structure shall meet the yard requirements of the primary use in the district except that guy wires and anchors may be located within such required yards regardless of any setback requirements specified elsewhere.
 - b. The applicant shall submit to the Board feasibility studies and valid engineering data.
 - c. Such antennae and antenna structure shall conform to all other applicable Federal, State and local Codes and Ordinances.

SECTION 809. Airports and Landing Strips.

A. Any areas to be used by aircraft under its own power shall conform to the following:

1. Be provided with dustless surface
2. No area to be used by aircraft under its own power on the ground shall be less than two hundred (200) feet from any lot or street line.
3. No residential building shall be permitted within one thousand (1,000) feet of the end of any runway or within any aircraft approach zone as the same may be established by either the State or Federal Aviation Agency, whichever area is greater.
4. All provisions of Federal and State statutes and Township Ordinances or regulations thereunder shall supercede any provisions of this Ordinance whenever there shall be inconsistencies and/or conflict.
5. Evidence shall be presented to the Zoning Hearing Board that ample safeguards to minimize hazards and disturbances from noise of aircraft affecting residents and properties in the vicinity will be assured at all times of operation.
6. Access to areas used by aircraft in motion shall be controlled by fences and gates.
7. Vending machines, newstands, governmental installations, airport, airline, and express offices, and aircraft repair facilities may be permitted within completely enclosed buildings. Storage and sale of aviation gasoline may also be permitted.
8. The hours of operation may be limited by the Board of Supervisors to prevent disturbance to nearby residences.

SECTION 810. Mobile Homes.

A. Mobile Homes for Temporary Residential Use.

1. Mobile homes or trailers shall be permitted in residential districts as temporary living quarters during the construction of dwellings on the same lot by the occupants thereof upon posting of bond in the amount of \$1,000 to ensure compliance with conditions of permit.
2. The permit for such mobile home or trailer shall expire six (6) months from date of issuance or upon completion of the dwelling, whichever event shall occur earlier.
3. Such mobile home or trailer shall be completely removed from the lot upon expiration of the permit without cost to the Township or Borough. In the event any person shall neglect, fail or refuse to remove said mobile home or trailer within the required period of time, the Township or Borough may cause such mobile home or trailer to be moved and may collect from such person the costs and expenses thereof in addition to the other penalties prescribed in this Ordinance.
4. Any mobile home or trailer erected on a lot pursuant to this Section shall conform with all lot and yard requirements for single-family detached dwellings of the zoning district in which it is located.

5. Only one (1) mobile home or trailer shall be permitted on each lot.
6. Each mobile home or trailer shall be provided with a potable water supply and an approved means of sanitary sewage disposal.

B. Mobile Homes for Agricultural Use.

Subject to the following conditions and limitations, the Zoning Hearing Board may grant a special exception for the use of a mobile home in any district, providing not more than one (1) mobile home shall be permitted on each farm. In addition to the conditions and limitations as set forth in this Section, the Zoning Hearing Board may attach additional conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate.

1. Before approving a special exception the Zoning Hearing Board shall find that all the following conditions exist:
 - a. A hardship is created by not permitting the use of a mobile home.
 - b. The mobile home is necessary to promote the agricultural operation.
 - c. At least one resident of the proposed mobile home will be employed on the same farm on which the mobile home will be placed.
2. The Zoning Hearing Board shall require the following items in addition to any other they may specify. All items shall appear on the permit.
 - a. The mobile home shall be set back a minimum distance of sixty (60) feet from any street right-of-way.
 - b. The mobile home is to be set as close to the farm buildings as possible. The Zoning Hearing Board is to specify the distance after examining the location.
 - c. The mobile home shall be occupied at least thirty (30) days a year by at least one person who is employed on the farm on which the mobile home is located. If this is not complied with the mobile home shall be removed from the premises.
 - d. Each mobile home is to be provided with a piped water supply and an approved means of sanitary sewage disposal.

SECTION 811. Height Limit Exceptions.

Structures permitted above the height limit are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, flag poles, chimneys, smokestacks, wireless masts, radio and television antennae, utility poles, water tanks or similar structures. However, no penthouse nor roof structure nor any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

SECTION 812. Lot Size Reductions.

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width or other requirements of this Ordinance are not maintained. This shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 813. Conversion of Existing Dwelling.

Conversion of a dwelling which existed at the date of enactment of this Ordinance into an apartment house is permitted subject to the following conditions and approval of the Zoning Hearing Board.

- A. There shall be no extension of the building other than as may be required for access or for safety.
- B. Two (2) automobile parking spaces for each proposed dwelling unit are to be provided on the premises.
- C. The lot area per dwelling unit, after the conversion, shall be a minimum of eight thousand (8,000) square feet in the R-1 Districts and six thousand (6,000) square feet in the R-2, R-3, and Commercial Districts.

SECTION 814. Access to Buildings.

Every building hereafter erected or moved shall be on a lot adjacent to a public road, or with access to an improved private road, and all buildings shall be so located on lots as to provide safe and convenient access for servicing fire, protection and required off-street parking.

SECTION 815. Erection of More Than One Principal Structure on a Lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot, and a plan has been recorded in compliance with any applicable subdivision and land development ordinance.

SECTION 816. Highway Frontage Development. (applicable in commercial and industrial districts).

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

- A. All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled vehicle entrance or exit, except for necessary accessways or roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed in such a manner as to provide adequate storage area and distribution facilities upon the lot to prevent back up of vehicles on a public street while entry on the lot.

- B. Each use with less than one hundred (100) feet of frontage on a public streets shall have not more than one accessway to each street, and no business or other use with one hundred (100) feet or more of frontage on a public street shall have more than two (2) accessways to any one street for each three hundred (300) feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from a major street.
- C. Accessways or access roads to parking areas or lots, other than those serving private single or two family dwellings, shall be not less than twelve (12) feet in width where one way traffic is to be accommodated, or not less than twenty-four (24) feet in width for two way traffic.
- D. In the case of a shopping center, group of apartment houses, industrial park or similar grouping of buildings on a lot, and in any other case where practicable: (1) All parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property and (2) All points of vehicular access to and from a public street shall be located not less than seventy-five (75) feet from the intersection of any street lines.

SECTION 817. Setback on Major Highways.

In the case of a State highway or an arterial and collector highway as classified in the Berks County, Federal Aide Highway Functional Classification Maps adopted by Berks County, which classification is adopted herein by reference, the front yard or setback shall be not less than one hundred (100) feet from the center line of the highway, whichever is greater.

SECTION 818. Specific Uses Prohibited.

The following uses are specifically prohibited in all Districts.

- A. Any occupation, trade or process which may be in any way dangerous, noxious or injurious to the health or be offensive to the inhabitants of the neighborhood.
- B. Automobile, "jalopy, go cart" and other self-propelled type vehicles racing tracts and dragstrips.
- C. Dead animal or other rendering plants.
- D. Piggeries for the feeding of garbage.

ARTICLE IX - ADMINISTRATIVE PROCEDURES

Specific Intent - It is the purpose of this Article to prescribe the procedures by which the administration of this Ordinance shall take place. Nothing contained within this Article shall be interpreted as limiting the adoption of additional administrative regulations which do not supersede the stated procedures which follow.

SECTION 901. Administration.

- A. **Zoning Officer.** The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors or Borough Council, who shall be know as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors and Borough Council following the adoption of this Ordinance to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He shall receive such fees or compensation as the Board of Supervisors or Borough Council may, by resolution, provide. He may not hold any elected office in the township or borough.
- B. **Duties.** The duties of the Zoning Officer shall be:
 1. To receive, examine and process all applications for zoning permits and certificates of use and occupancy as provided by the terms of this Ordinance. The Zoning Officer shall also issue permits for special exception uses or for variances after the same have been approved by the Zoning Hearing Board.
 2. To record and file all applications for the permits and accompanying plans and documents and keep them for public record.
 3. To inspect non-conforming uses, structures and lots and to keep a filed record of such non-conforming uses and structures as a public record and to examine them periodically, with the view of eliminating the non-conforming uses under the existing laws and regulations and to issue certificates of use and occupancy for them.
 4. Issue notices of violations of the Zoning Ordinances.
 5. Upon request of the Board of Supervisors, Borough Council or the Zoning Hearing Board, present to such bodies, facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
 6. To be responsible for the keeping up to date of this Ordinance and the Official Zoning Map, filed with the Township and Borough Secretaries and to include any amendments thereto.
 7. Upon the approval, by the Zoning Hearing Board, of a special exception development located within the Floodplain District, written notice of the approval shall be sent by registered mail by the Zoning Officer to the Pennsylvania Department of Community Affairs.
 8. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit an annual report to the Federal Insurance Administration concerning the status of the Program in the Township and Borough (the annual report form shall be provided by the Federal Insurance Administration).

SECTION 902. Enforcement.

This Ordinance shall be enforced by the Zoning Officer. No permit of any kind as provided in this Ordinance shall be granted by him for any purpose except in compliance with the provisions of this Ordinance.

SECTION 903. Failure to secure a permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or failure to secure a Certificate of Use and Occupancy shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance.

SECTION 904. Fines.

Any person, partnership or corporation who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense.

SECTION 905. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land used, or any hedge, tree, shrub, or other growth is maintained in violation of this Ordinance or of any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises. Said remedies shall, in addition to other remedies available, include seeking injunctions and civil penalties.

SECTION 906. Permits.

SECTION 906A. General.

1. A Zoning Permit shall be required prior to a change in use of land or structure, or the erection construction or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations. No permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.
2. Applications for permits shall be made in writing to the Zoning Officer.
3. Such permits shall be granted or refused within thirty (30) days from the date of application.
4. No permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Boards or the Courts.
5. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the Zoning Permit will be denied.
6. The parcel or parcels shall be in a single and full ownership or proof of option shall be furnished at the time of application.
7. Expiration of Zoning Permit. The permit shall expire within six (6) months from date of issuance if the work described in the permit has not begun. If the work described in the permit has begun, said permit shall expire one (1) year from the date of issuance thereof.

SECTION 906B. Application for Zoning Permits for Non-Residential Uses in Commercial and Industrial Districts.

1. A location plan showing the tract to be developed, zoning districts, and adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.
2. A plot plan of the lot showing the location of all existing and proposed buildings, drives, parking lots showing driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, and other constructional features on the lot and the location of all topographical features.
3. Architectural plans for any proposed building.
4. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, vibration, fire hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
5. Engineering and architectural plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
6. Engineering and architectural plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

7. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
8. The proposed number of shifts to be worked and the maximum number of employees on each shift.
9. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

Applications for permits under this Section, along with accompanying plans and data shall be submitted by the Zoning Officer to the Joint Planning Commission for information purposes only. The Commission may submit its comments to the Zoning Officer; however, the Zoning Officer shall process the application as required by this Ordinance without regard to the action or inaction of the Commission, though any comments so furnished shall be given due consideration by him, if submitted timely.

SECTION 906C. Application for All Other Permits.

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structures or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:
 - a. Actual dimensions and shape of lot to be developed.
 - b. Exact location and dimensions of any structures to be erected, constructed or altered.
 - c. Existing and proposed uses, including the number of families all structures are designed to accommodate.
 - d. Off-street parking and loading spaces.
 - e. Utility systems affected and proposed.
 - f. Alteration or development of any improved or unimproved real estate.
 - g. Any other lawful information that may be required by the Zoning Officer or by other sections of this Ordinance.
2. If the proposed development, excavation or construction is located within the Floodplain District, the following information is specifically required to accompany all applications.
 - a. The accurate location of the floodplain and floodway.
 - b. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
 - c. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed.

SECTION 906D. Temporary Use Permit.

A temporary permit may be authorized by the Zoning Hearing Board subject to the requirements of Article X of this Ordinance, for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the Township or Borough. Such a permit shall be issued for a specified period of time not exceeding one (1) year.

SECTION 907. Certificate of Use and Occupancy.

SECTION 907A. Scope.

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated in the Zoning Permit. No building, structure, free-standing sign or land shall be utilized in any manner until a Certificate of Use and Occupancy is issued.

SECTION 907B. Application Procedures.

Application shall be made in writing to the Zoning Officer on a form for such purpose.

SECTION 907C. Issuance.

1. Certificates of Use and Occupancy shall be granted or refused within ten (10) days from the date of application. No application shall be granted or refused until the Zoning Officer has inspected the premises. Issuance of this certificate shall be based on conformance of the work to the requirements of this Ordinance.
2. In Commercial and Industrial Districts in which Performance Standards are imposed, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a reinspection by the Zoning Officer, it is determined that the facility is in compliance with all Performance Standards.

SECTION 908. Fees.

All fees shall be determined by the Board of Supervisors and Borough Council and a schedule of such shall be made available to the general public. The Board of Supervisors and Borough Council shall be empowered to re-evaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors and Borough Council by resolution.

ARTICLE X - ZONING HEARING BOARD

SECTION 1001. Establishment and Membership

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

There shall be a Zoning Hearing Board which shall consist of five (5) members, three (3) of whom shall be appointed by the Board of Supervisors, two (2) of whom shall be appointed by Borough Council. The membership of the Board shall consist of residents of the Township or Borough. Their terms of office shall be three (3) years and shall be fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors and Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township or Borough except that no more than one (1) member of the Board may also be a citizen member of the Joint Planning Commission. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors and the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1002. Organization of Board.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1004. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and Borough and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors and Borough Council once a year.

SECTION 1003. Expenditures for Services - Fees.

- A. Within the limits of funds appropriated by the Board of Supervisors and Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, engineers, consultants and other technical and clerical services.
- B. The applicant before the Board shall deposit with the Treasurer of the Township or Borough Council such a sum of money as shall be deemed sufficient by the Board to pay for the cost of expenses of the Board for the hearing. These costs may include, but are not limited to, cost for providing notice, cost of the record for the Board and the applicant, cost of legal fees for the Board, and cost of such compensation as the Board may receive. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings, and in the event that the costs of the hearing exceed the funds deposited, the applicant shall pay to the Treasurer of the Township or Borough Council funds equal to such excess cost.
- C. Every applicant shall pay a non-refundable fee of five hundred (\$500.00) dollars to cover a portion of all of the costs as set forth herein above and the Township or Borough Treasurer shall require additional deposits or payments as is deemed proper in the discretion of the said officer.

SECTION 1004. Hearings.

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

- A. The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:
 1. By publishing a notice thereof once and at least fifteen (15) days and not more than twenty (20) days before the date fixed for the hearing in a newspaper of general circulation in the Township and Borough.
 2. By mailing a notice thereof to the parties in interest, including all adjacent property owners.
 3. By mailing a notice thereof to the Zoning Officer, the Township and Borough Secretary, who shall then mail a notice thereof to each member of the Board of Supervisors or Borough Council, each member of the Joint Planning Commission, the Secretary of the Berks County Planning Commission, and to every person or organization who shall have registered with the Board for the purpose of receiving such notices.
 4. The notice herein required shall state the location of the lot or building and the general nature of the question involved.
 5. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.
- B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Township, the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including, civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other material unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

I. The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. When the application is contested or denied each decision shall be accompanied by findings of fact and conclusions based on any provisions of this Ordinance or of any act, rule, or regulation shall contain a reference to the provision relied in and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this paragraph, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein provided, the Township or Borough shall give public notice of said decision within ten (10) days in the same manner as provided in Paragraph A. of this Section. Nothing in this paragraph shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

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

SECTION 1005 - Board Functions.

SECTION 1005A. Appeals from the Zoning Officer.

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied and provision of this Ordinance or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.

SECTION 1005B. Challenge to the Validity of the Zoning Ordinance or Map.

The Board shall hear challenges to the validity of this Zoning Ordinance or the Official Zoning Map except as indicated in the Act of June 1, 1972, PL333 No. 93. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 1004. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

SECTION 1005C. Special Exceptions.

Where special exceptions are provided for in this Ordinance, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this Ordinance. All requests for special exception shall be sent by the Board to the Joint Planning Commission for review and recommendation in accordance with the Comprehensive Plan. However, such submission is for information purposes only and is not a part of the application process, which shall proceed as provided herein without regard to the action or inaction of the Commission, though any comment so furnished shall be given due consideration by the Board, if submitted timely. In rendering its decision the Board shall consider the following:

1. The suitability of the property for the use desired. Assure itself that the proposed request is consistent with the spirit, purpose and intent of the Zoning Ordinance.

2. The proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change of plan is adequately safeguarded.

3. The proposed special exception will serve the best interest of the Township or Borough, the convenience of the community, and the public welfare.
4. The effect of the proposed special exception upon the logical efficient and economical extension of public services and facilities, such as public water, sewers, police, and fire protection, and public schools.
5. The conditions, in addition to those required, which are necessary to assure that the intent of the Zoning Ordinance is complied with. Such conditions may include, but are not limited to, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.
6. The suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and that adequate access arrangements, in order to protect major streets and highways from undue congestion and hazard, are available.
7. The adequacy of sanitation and public safety provisions, where applicable, and the issuance of a certificate of adequacy of sewage and water facilities from governmental health agency in such case required herein or deemed available.
8. Financial hardship shall not be construed as the basis for granting special exceptions.
9. For development within the Floodplain District: the effect of the development on flood heights, frequencies and velocities, the susceptibility of the development to flood damage, the availability of emergency access to the development in times of flood, and the necessity of the development to be located near the floodplain area.
10. The listing of any use or structure on the National Register of Historic Places or on the Pennsylvania Register of Historic Sites and Landmarks.

SECTION 1005D. Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and shall require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance in the neighborhood or district in which the property is located.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. That the development permitted by the variance, if authorized, will not adversely affect the flood levels, frequencies and velocities; that the development is not unusually susceptible to flood damage; that emergency access is available to the development; that it is necessary the development be located near the floodplain; and that the development will not be located in the floodway if the development will increase the base flood elevation.
7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. The Board shall require that adequate on or offsite water and sewerage disposal facilities are available for the use intended.

SECTION 1005E. Unified Appeals.

Where the Board has jurisdiction over a zoning matter pursuant to Section 1005, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Township or Borough Ordinance or requirement pertaining to the same development plan or development. In any such cases the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 1004. At the conclusion of the hearing, the Board shall make all findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

SECTION 1006. Parties Appellant Before Board.

Appeals under 1005A and proceedings to challenge this Ordinance under Section 1005B may be filed with the Board in writing by the landowner affected, any officer or agency of the Township or Borough or any person aggrieved. Requests for variance under Section 1005D, and for special exception under Section 500C may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

1. The name and address of the appellant and applicant.
2. The name and address of the landowner of the real estate to be affected.
3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
4. A statement of the present Zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

SECTION 1007. Time Limitations.

No person shall be permitted to file before the Board, any action later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the Board of Supervisors or Borough Council if such proceedings are designed to secure reversal or to limit the approval in any matter unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan for a Planned Residential Development or from an adverse decision by the Zoning Board on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to the Act of June 1, 1972 PL333 No. 93, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

SECTION 1008. Stay of Proceedings.

Upon any filing or any proceeding referred to in Section 906 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order of the Board or of a court of competent jurisdiction on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. Such proceedings, shall then be governed by applicable laws.

SECTION 1009. Appeal.

Any person, taxpayer, or the Township or Borough aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania.

ARTICLE XI - AMENDMENTS

SECTION 1101. Power of Amendment.

The Board of Supervisors and Borough Council may from time to time, after public notice and hearing as hereinafter prescribe, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Joint Planning Commission, the Board of Supervisors, Borough Council or by a petition to the Board of Supervisors, Borough Council, by an interested party.

SECTION 1102. Amendments Initiated by the Joint Planning Commission.

When an amendment, supplement, change or repeal is initiated by the Joint Planning Commission, the proposal shall be presented to the Board of Supervisors and Borough Council which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Joint Planning Commission and Borough.

SECTION 1103. Amendment Initiated by the Board of Supervisors or Borough Council.

When an amendment, supplement, change or repeal is initiated by the Board of Supervisors or Borough Council such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 1104, Paragraph B.

SECTION 1104. Amendment Initiated by a Petition from an Interested Party.

A. A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall contain as fully as possible all the information requested by the Zoning Officer, shall include an accurate legal description and surveyed plan of any land to be rezoned, and shall be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in

the petition. A fee to be established by the Board of Supervisors and Borough Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

B. After receipt of the petition by the Board of Supervisors or Borough Council petition shall be presented to the Joint and County Planning Commissions for their review and recommendations at least thirty (30) days prior to the public hearing. A report of the review of the Joint Planning Commission, together with any recommendations shall be given to the Board of Supervisors or Borough Council in writing within thirty (30) days from the date of said referral. The recommendation of the Joint Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the Comprehensive Plan. The recommendation of the Berks County Planning Commission shall be made to the Board of Supervisors or Borough Council within forty-five (45) days and the proposed action shall not be taken until such recommendation is made. If, however, the Berks County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors or Borough Council shall proceed without its recommendations.

SECTION 1105. Curative Amendment by a Landowner.

A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors or Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1004 of the Act, as amended. The Board of Supervisors or Borough Council shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Berks County Planning Commissions as provided for in Section 1104, Paragraph B, and public notice of the hearing shall be provided for in Section 1107.

SECTION 1106. Curative Amendment by the Board of Supervisors and Borough Council.

A. The Board of Supervisors and Borough Council by formal action may declare this Ordinance or portions thereof substantially invalid and propose to prepare curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors and Borough Council.

1. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:

- (a) references to specific uses which are either not permitted or not permitted in sufficient quantity;
- (b) references to a class or use or uses which require revision; or
- (c) references to the entire Ordinance which requires revisions.

2. Begin to prepare and consider a curative amendment to the Ordinance to correct the invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors and Borough Council shall enact a curative amendment to, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 1104, Paragraph B., to cure the declare invalidity of the Ordinance.

C. Upon the date of the declaration and proposal, the Board of Supervisors and Borough Council shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 1005B, subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrued to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.

D. The Board of Supervisors and Borough Council having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township and Borough by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors and Borough Council may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

SECTION 1107. Public Hearing.

The Board of Supervisors and Borough Council shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Township and Borough once each week for two (2) successive weeks. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days prior to the date of said hearings. The public notice of a proposed amendment to this Ordinance or the Official Zoning Map shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township and Borough where copies of the proposed amendment may be examined, in addition to the time and place of the hearing.

SECTION 1108. Action by the Board of Supervisors and Borough Council.

At the time and place specified, the Board of Supervisors and Borough Council conduct a hearing on said amendment or petition to amend, supplement, change or repeal the Zoning Ordinance or the Official Zoning

Map of the Township and Borough. The Board of Supervisors and Borough Council may adjourn said hearing at its discretion to a time and place certain.

SECTION 1109. Authentication of Official Zoning Map.

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township or Borough Secretary and shall thereafter be refiled as part of the permanent records of the Township and Borough.

ARTICLE XII - REPEALER

SECTION 1201 Repealer.

Any Resolution, Ordinance or part of any Resolution or Ordinance, including but not limited to existing Zoning Ordinances of the Township of Centre and the Borough of Centerport, inconsistent herewith and any amendments thereof are hereby expressly repealed.

SECTION 1202. Separability.

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE XIII - EFFECTIVE DATE

SECTION 1301 - Effective Date.

This Zoning Ordinance shall become effective ten (10) Days after its enactment by the Board of Supervisors of Centre Township and Council of the Borough of Centerport, County of Berks, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 3rd day of August, 1982.

ATTEST:

George C. Seifrit, Secretary

(SEAL)

Charles B. Borkey
Howard W. Miller

Board of Supervisors of Centre Township:

August 11, 1982

By Wilmer H. Phillips

Council of Borough of Centerport:

By Irvin C. Henry, Jr.
Sally Greth, Secretary

(SEAL)

Carl J. Edling
William Broughall
Dennis Greth
Thomas N. Werley
Kenneth J. Meckes
Mayor Morris F. Wagner