

ORDINANCE NO. 120-2006

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF CENTRE, AS AMENDED, TO PROVIDE FOR DEFINITIONS OF AGRICULTURAL OPERATION, IMPERVIOUS AREA, LOT LINE FRONT, LOT LINE REAR, LOT LINE SIDE AND LOT WIDTH; TO AMEND THE DEFINITIONS OF AGRICULTURE, LOT COVERAGE AND LOT WIDTH; TO DELETE THE DEFINITION OF LOT LINE; TO AMEND THE AREA, YARD AND HEIGHT REGULATIONS IN THE AP-EFFECTIVE AGRICULTURAL PRESERVATION DISTRICT; TO AMEND THE REGULATIONS REGARDING DEVELOPMENT PERMITTED WITH THE EFFECTIVE AGRICULTURAL PRESERVATION ZONING DISTRICT; TO ADD REGULATIONS REGARDING SEWAGE DISPOSAL FACILITIES FOR DEVELOPMENT PERMITTED WITHIN THE EFFECTIVE AGRICULTURAL PRESERVATION ZONING DISTRICT; TO DELETE REGULATIONS REGARDING ANNEXATION FROM A FARM IN THE AP-EFFECTIVE AGRICULTURAL PRESERVATION DISTRICT; TO AMEND THE AREA, YARD AND HEIGHT REGULATIONS IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT; TO AMEND THE PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT; TO ADD REGULATIONS REGARDING SEWAGE DISPOSAL FACILITIES FOR DEVELOPMENT PERMITTED IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT; TO AMEND THE MINIMUM LOT WIDTH FOR NURSING HOMES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO AMEND THE SANITARY SEWERAGE AND WATER DISTRIBUTION REGULATIONS FOR CLUSTER DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLINGS IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO AMEND THE REGULATIONS REGARDING REQUIREMENTS FOR SINGLE FAMILY HOMES IN PLANNED RESIDENTIAL DEVELOPMENT WITHIN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO AMEND THE AREA, YARD AND HEIGHT REGULATIONS WITHIN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO AMEND THE PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE WITHIN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO ADD REGULATIONS REGARDING SEWAGE DISPOSAL FACILITIES FOR DEVELOPMENT IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT; TO AMEND THE ZONING PERMIT REGULATIONS FOR TOWNHOUSES AND APARTMENT BUILDINGS WITHIN THE B/VC BOROUGH/VILLAGE CENTER MIXED USE DISTRICT; TO AMEND THE AREA, YARD AND

HEIGHT REGULATIONS IN THE B/VC BOROUGH/VILLAGE CENTER MIXED USE DISTRICT; TO AMEND THE PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE IN THE B/VC BOROUGH/VILLAGE CENTER MIXED USE DISTRICT; TO ADD REGULATIONS REGARDING SEWAGE DISPOSAL FACILITIES FOR DEVELOPMENT IN THE B/VC BOROUGH/VILLAGE CENTER MIXED USE DISTRICT; TO AMEND THE AREA, YARD AND HEIGHT REGULATIONS IN THE PC PLANNED COMMERCIAL/OFFICE DISTRICT; TO AMEND THE PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE IN THE PC PLANNED COMMERCIAL/OFFICE DISTRICT; TO ADD REGULATIONS FOR SEWAGE DISPOSAL FACILITIES IN THE PC PLANNED COMMERCIAL/OFFICE DISTRICT; TO AMEND THE AREA, YARD AND HEIGHT REGULATIONS IN THE LI LIMITED INDUSTRIAL DISTRICT; TO AMEND THE PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE IN THE LI LIMITED INDUSTRIAL DISTRICT; TO ADD REGULATIONS REGARDING SEWAGE DISPOSAL FACILITIES IN THE LI LIMITED INDUSTRIAL DISTRICT; TO AMEND THE LOT AREA EXCEPTION AND PRIOR RECORDED PLAN REGULATIONS OF NON-CONFORMING LOTS UNDER GENERAL REGULATIONS; TO AMEND THE ACCESS TO LOTS REGULATIONS UNDER GENERAL REGULATIONS; AND TO DELETE A DUPLICATE SEPARABILITY CLAUSE

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

**SECTION 1.** Section 101, entitled "Title", of Article I, entitled "Title and Purpose", of the "Zoning Ordinance of Centre Township of 2004" is hereby amended and restated in its entirety as follows:

"Section 101. Title: This Ordinance shall be known and may be cited as the "Zoning Ordinance of Centre Township of 2004, as amended".

**SECTION 2.** Section 106, entitled "Separability", of Article I, entitled "Title and Purpose", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"Section 106. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared

to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Centre, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.”

**SECTION 3.** Article II, entitled “Definitions, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended to add the following new definitions:

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

Impervious Area. Area of the ground on which an improvement or alteration will occur or has occurred which limits or restricts the downward movement of stormwater into the ground. This shall include, but not be limited to, bituminous or concrete paving, roof areas, and areas covered by stone.

Lot Line, Front. The Lot Line along a Street Line, and the lot line nearest the Street Line which runs parallel or nearly parallel to the Street Line.

Lot Line, Rear. The lot line, or lines, opposite to the front lot line.

Lot Line, Side. Any lot line not a rear lot line or front lot line.”

**SECTION 4.** Article II, entitled “Definitions, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended to amend and restate in their entirety, the following definitions:

“Agriculture. An Agricultural Operation, including the raising and keeping of any members of the animal kingdom, the total of such being greater than or equal to one

(1) animal unit. Kennels and roadside stands as defined herein are specifically excluded.

Lot Coverage. The percentage of the Lot Area that is occupied by Impervious Area.

Lot Width. The straight line distance between the Side Lot Lines, for the entire depth of the Lot.”

**SECTION 5.** Article II, entitled “Definitions, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended to delete the following definition:

“Lot Line. The boundary line of a lot.”

**SECTION 6.** SubSection 400.4, entitled “Area, Yard and Height Regulations”, of Section 400, entitled “AP-Effective Agricultural Preservation District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“Section 400.4 AREA, YARD AND HEIGHT REGULATIONS. Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Effective Agricultural Preservation District, except as specifically provided for in this Ordinance. (See separate chart below.)

|   | <b>Agricultural<br/>Non-Residential<br/>Uses</b> | <b>On-Site Sewage<br/>Disposal<br/>Single-Family<br/>Detached</b> | <b>Non-Agricultural<br/>Non-Residential<br/>Uses</b> |
|---|--|---|--|
| <b><u>Maximum Permitted</u></b>   |  |   |  |
| Lot Size  | None   | 3 Acres *   | None   |
| Building Height<br>(except barns, silos,<br>and grain elevators)                            | 35 Feet  | 35 Feet   | 35 Feet  |
| Lot Coverage  | 30 Percent                                       | 30 Percent  | 30 Percent   |
| <b><u>Minimum Requirements</u></b>  |  |   |  |
| Lot Size  | 50 Acres **                                      | None  | 3 Acres  |
| Lot Width<br>At Street Line &<br>for entire Depth of<br>Lot to the Building<br>Setback Line | 150 Feet   | 100 Feet ***  | 150 Feet   |
| At Building<br>Setback line   | 150 Feet   | 150 Feet  | 150 Feet   |

|                       |         |         |         |
|-----------------------|---------|---------|---------|
| Rear Yard             | 40 Feet | 30 Feet | 40 Feet |
| Building Setback Line | 40 Feet | 30 Feet | 40 Feet |
| Side Yard             |         |         |         |
| Total                 | 50 Feet | 40 Feet | 50 Feet |
| One Side              | 25 Feet | 20 Feet | 25 Feet |

- See Section 400.10 of this Ordinance for the maximum number of proposed single family detached dwellings. Any lot sold larger than the maximum lot size permitted will result in the loss of additional building lots. One lot will be lost for each up to three acres of lot size added above the maximum lot size of three acres. For example, if a landowner is entitled to sell four lots but sells a four acre lot for the first lot, he is entitled to two additional lots, not three. If the landowner sells a seven acre lot for the first lot, he is entitled to one additional lot. If he sells a ten acre lot for the first lot, he has no lots left to sell.
- \*\* An agricultural use lot may be permitted to become smaller in area than the minimum lot area requirements of this ordinance if such reduction is due to subdivision per Section 400.10. Upon use of all of the allocated quota of residential development permitted under Section 400.10, the residue land may not then be further subdivided for separate lots or for annexation purposes unless such annexation would be in its entirety.
- \*\*\* Refer to Section 514 for exceptions to minimum lot width requirements for residential lots in the AP District.

Another example. If a landowner is entitled to sell four lots and sells a two acre lot for the first lot, he is entitled to three additional lots. If the next lot sold is one acre, he is entitled to two additional lots. If the third lot is 3.5 acres, he is not entitled to any additional lots.”

**SECTION 7.** Paragraph b of Subsection 400.10, entitled “Development Permitted within the Effective Agricultural Preservation Zoning District”, of Section 400, entitled “AP-Effective Agricultural Preservation District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

- “b. The total number of single-family building lots allowed in the Effective Agricultural Preservation District in accordance with the size of tracts of land existing on the effective date of Ordinance 130-01 adopted August 2001 is as follows:

| Size of Original<br>Tract of Land<br><u>(Acreage within Centre Twp.)</u> | Maximum Number of<br><u>Dwelling Units</u> |
|--|--|
| = 10 to < 20 acres   | 1  |
| = 20 to < 40 acres   | 2  |



at Street Line & for entire  
 Depth of Lot to the  
 Building Setback Line 125 Feet  
 at Building Setback Line 125 Feet”

**SECTION 11.** SubSection 401.6, entitled “Procedures for Development of Land for Purposes other than Agriculture”, of Section 401, entitled “R-1 Low Density Residential District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“Section 401.6 PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE. The following procedure shall be followed to determine developable area by all applicants for subdivision and land development approval. This procedure is enacted to protect sensitive natural resources and relate the development of a site to the conditions of the site.

- a. Phase 1. The applicant shall prepare an “Existing Conditions Map” of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;
- Areas of steep slope, including areas of very steep slopes (25 percent and over) and areas of steep slopes (between 15 and 25 percent);
- Wetland margins (the areas within 100 feet of a wetland);

Manmade Resources:

- Existing roadways;
- Existing rights-of-way (including utility and access rights-of-way);

- b. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

| <u>Natural and Manmade<br/>Feature</u> | <u>Open Space<br/>Percentage</u> | <u>Acres of Land<br/>in Resource</u> | <u>Resource Protected<br/>Land (Acres in<br/>Resource times Open<br/>Space Percentage</u> |
|--|----------------------------------|--------------------------------------|---|
| Floodplain                             | 100%                             | x _____                              | = _____   |
| Wetlands                               | 100%                             | x _____                              | = _____   |
| Watercourses                           | 100%                             | x _____                              | = _____   |

Very Steep Slope

|                        |      |   |       |   |       |
|------------------------|------|---|-------|---|-------|
| (25% and over)         | 90%  | x | _____ | = | _____ |
| Steep Slope (15-24%)   | 80%  | x | _____ | = | _____ |
| Wetland Margin         | 80%  | x | _____ | = | _____ |
| Existing Roadways      | 100% | x | _____ | = | _____ |
| Existing Rights-of-Way | 100% | x | _____ | = | _____ |
| Total Protected Area   |      |   |       |   | _____ |

Individual acreage results shall be totaled to result in the "Protected Area." The Protected Area shall be deducted from the total site area. The resulting figure shall be the "Developable Area." Calculations of permissible density or intensity of development shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply."

**SECTION 12.** Section 401, entitled "R-1 Low Density Residential District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended by adding thereto the following new Subsection:

"Section 401.7SEWAGE. Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Within the R-1 Zoning District, conventional or alternate onlot sewage systems (as defined in the Pennsylvania Sewage Facilities Act, as amended) shall be utilized for all proposed lots unless an extension of existing sewage facilities owned and operated by the Centre Township Municipal Authority, the Centerport Borough Municipal Authority, or some other Municipal Authority is authorized and approved by the applicable Authority. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection as well as the Centre Township Subdivision and Land Development Ordinance and any and all other applicable ordinances and regulations."

**SECTION 13.** Subparagraph (7), of Paragraph e., entitled "Nursing home, subject to:", of SubSection 402.3, entitled "Uses Permitted by Special Exception", of Section 402, entitled "R-2 Medium Density Residential District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"(7) Minimum lot width at the street line, for entire Depth of Lot to the Building Setback Line, and at the building setback line shall be 200 feet."

**SECTION 14.** Subparagraph (4), of Paragraph g., entitled "Cluster Development of Single Family Detached Dwellings, Subject To:", of SubSection 402.3, entitled "Uses



Permitted by Special Exception”, of Section 402, entitled “R-2 Medium Density Residential District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“(4) Public sanitary sewerage and public or community water distribution systems shall be utilized for the cluster development. The minimum lot size shall be 10,000 square feet, the minimum building setback shall be thirty (30) feet, the minimum lot width at the street line and for entire Depth of Lot to the Building Setback Line shall be forty (40) feet, the minimum lot width at the building setback line shall be seventy (70) feet, the minimum rear yard shall be twenty (20) feet, the minimum width of each side yard shall be ten (10) feet, and the maximum lot area covered by buildings shall be twenty-five (25) percent.”

**SECTION 15.** Subparagraph (18), of Paragraph h., entitled “Planned Residential Development, subject to:”, of SubSection 402.3, entitled “Uses Permitted by Special Exception”, of Section 402, entitled “R-2 Medium Density Residential District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“(18) Requirements for single family detached and single family semi-detached dwellings shall be as follows:

|   | Single Family   |                      |
|---|-----------------|----------------------|
|   | <u>Detached</u> | <u>Semi-Detached</u> |
| Minimum Lot Size  | 8,000 sq. ft.   | 12,000 sq. ft.       |
| Minimum Lot Width<br>At Street Line &<br>for entire Depth of<br>Lot to the Building<br>Setback Line | 50 Feet         | 50 Feet              |
| At Building Setback Line  | 70 Feet         | 60 Feet              |
| Minimum Building Setback  | 20 Feet         | 20 Feet              |
| Minimum Rear Yard   | 25 Feet         | 25 Feet              |
| Minimum Side Yard   |                 |                      |
| Total   | 16 Feet         | 16 Feet              |
| One Side  | 8 Feet          | 8 Feet               |
| Maximum Lot Coverage  | 35 Percent      | 35 Percent”          |

**SECTION 16.** SubSection 402.5, entitled “Area, Yard and Height Regulations”, of Section 402, entitled “R-2 Medium Density Residential District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby

amended and restated in its entirety as follows:

“Section 402.5 AREA, YARD, AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

| Single Family Detached Dwellings<br>and Non-Residential Uses  |  |   |   |
|---|--|---|---|
|   | Without Both Public<br>Sewer and Public or<br><u>Community Water</u> | With Public Sewer<br>and On-Site<br><u>Water Supply</u> | With Both Public Sewer<br>and Public or<br><u>Community Water</u> |
| <u>Maximum Permitted</u>  |  |   |   |
| Building Height   |  |   |   |
| Barns, Silos, and Grain Elevators   | No Maximum   | No Maximum  | No Maximum  |
| All Other Buildings   | 35 Feet  | 35 Feet   | 35 Feet   |
| Lot Coverage  | 30 Percent   | 30 Percent  | 30 Percent  |
| <u>Minimum Requirements</u>   |  |   |   |
| Lot Size  | One Acre   | 20,000 Sq. Ft.  | 15,000 Sq. Ft.  |
| Front Yard  | 50 Feet  | 30 Feet   | 30 Feet   |
| Rear Yard   | 50 Feet  | 25 Feet   | 20 Feet   |
| Each Side Yard  | 25 Feet  | 15 Feet   | 10 Feet   |
| Lot Width<br>at Street Line &<br>for entire Depth of<br>Lot to the Building<br>Setback Line<br>at Building Setback Line | 70 Feet  | 70 Feet   | 70 Feet   |

| Single Family Semi-Detached Dwellings<br><u>Maximum Permitted</u>        |  |   |   |
|--|--|---|---|
|  | Without Both Public<br>Sewer and Public or<br><u>Community Water</u> | With Public Sewer<br>and On-Site<br><u>Water Supply</u> | With Both Public Sewer<br>and Public or<br><u>Community Water</u> |
| Building Height  | 35 Feet  | 35 Feet   | 35 Feet   |
| Lot Coverage   | 30 Percent   | 30 Percent  | 30 Percent  |
| <u>Minimum Requirements</u>  |  |   |   |
| Lot Size   | One Acre   | 15,000 Sq. Ft.  | 7,500 Sq. Ft.   |
| Lot Width<br>at Street Line & for entire Depth of<br>Lot to the Building |  |   |   |

|                                       |         |         |          |
|---------------------------------------|---------|---------|----------|
| Setback Line at Building Setback Line | 60 Feet | 80 Feet | 40 Feet  |
| Front Yard                            | 40 Feet | 35 Feet | 35 Feet  |
| Rear Yard                             | 50 Feet | 30 Feet | 30 Feet  |
| Side Yard                             | 50 Feet | 20 Feet | 20 Feet  |
| Total                                 | ----    | -----   | ----     |
| One Side                              | 25 Feet | 20 Feet | 15 Feet” |

**SECTION 17.** SubSection 402.6, entitled “Procedures for Development of Land for Purposes other Than Agriculture”, of Section 402, entitled “R-2 Medium Density Residential District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“Section 402.6 PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE. The following procedure shall be followed to determine developable area by all applicants for subdivision and land development approval. This procedure is enacted to protect sensitive natural resources and relate the development of a site to the conditions of the site.

- a. Phase 1. The applicant shall prepare an “Existing Conditions Map” of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;
- Areas of steep slope, including areas of very steep slopes (25 percent and over) and areas of steep slopes (between 15 and 25 percent);
- Wetland margins (the areas within 100 feet of a wetland);

Manmade Resources:

- Existing roadways;
- Existing rights-of-way (including utility and access rights-of-way);

- b. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

| Natural and Manmade<br><u>Feature</u> | <u>Open Space<br/>Percentage</u> | <u>Acres of Land<br/>in Resource</u> | Resource Protected<br>Land (Acres in<br>Resource times Open<br><u>Space Percentage</u> |
|---------------------------------------|----------------------------------|--------------------------------------|--|
| Floodplain                            | 100%                             | x _____                              | = _____  |
| Wetlands                              | 100%                             | x _____                              | = _____  |

|                                    |      |   |       |   |       |
|------------------------------------|------|---|-------|---|-------|
| Watercourses                       | 100% | x | _____ | = | _____ |
| Very Steep Slope<br>(25% and over) | 90%  | x | _____ | = | _____ |
| Steep Slope (15-24%)               | 80%  | x | _____ | = | _____ |
| Wetland Margin                     | 80%  | x | _____ | = | _____ |
| Existing Roadways                  | 100% | x | _____ | = | _____ |
| Existing Rights-of-Way             | 100% | x | _____ | = | _____ |
| Total Protected Area               |      |   |       |   | _____ |

Individual acreage results shall be totaled to result in the "Protected Area." The Protected Area shall be deducted from the total site area. The resulting figure shall be the "Developable Area." Calculations of permissible density or intensity of development shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply."

**SECTION 18.** Section 402, entitled "R-2 Medium Density Residential District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended by adding thereto the following new subsection:

"Section 402.7SEWAGE. Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Within the R-2 Zoning District, connection to existing sewage facilities owned and operated by the Centre Township Municipal Authority, the Centerport Borough Municipal Authority, or some other Municipal Authority shall be utilized for all proposed lots and uses unless such connection is not feasible or is not authorized and approved by the applicable Authority, in which case conventional or alternate onlot sewage systems (as defined in the Pennsylvania Sewage Facilities Act, as amended) shall be utilized. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection as well as the Centre Township Subdivision and Land Development Ordinance and any and all other applicable ordinances and regulations."

**SECTION 19.** Subparagraph 24, of Paragraph d, entitled "Townhouses and apartment buildings, subject to", of Subsection 403.2, entitled "Uses Permitted by Right", of Section 403, entitled "B/VC Borough/Village Center Mixed Use District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"(24) No zoning permit shall be issued unless and until the owner thereof has complied with the Sudivision and land Development Ordinance and obtained



|   |            |               |              |            |               |              |
|---|------------|---------------|--------------|------------|---------------|--------------|
| Lot Coverage  | 75 percent | 75 Percent    | 75 Percent   | 35 Percent | 35 Percent    | 35 Percent   |
| <u>Minimum Requirements</u>   |            |               |              |            |               |              |
| Lot Size  | 1 acre     | 10,000 sq.ft. | 5,000 sq.ft. | 1 acre     | 10,000 sq.ft. | 5,000 sq.ft. |
| Lot Width   |            |               |              |            |               |              |
| At Street Line & for entire Depth of Lot to the Building Setback Line | 60 Feet    | 40 Feet       | 35 Feet      | 100 Feet   | 40 Feet       | 35 Feet      |
| At Building Setback   | 100 Feet   | 40 Feet       | 35 Feet      | 100 Feet   | 40 Feet       | 35 Feet      |
| Front Yard  | 35 Feet    | 30 Feet       | 25 Feet      | 35 Feet    | 30 Feet       | 25 Feet      |
| Rear Yard   | 25 Feet    | 20 Feet       | 15 Feet      | 25 Feet    | 20 Feet       | 15 Feet      |
| Side Yard   |            |               |              |            |               |              |
| Total   | 30 Feet    | 20 Feet       | 15 Feet      | ---        | ---           | ---          |
| One Side  | 15 Feet    | 10 Feet       | 5 Feet       | 25 Feet    | 20 Feet       | 15 Feet"     |

**SECTION 21.** Subsection 403.6, entitled "Procedures for Development of Land for Purposes other Than Agriculture" of Section 403, entitled "B/VC Borough/Village Center Mixed Use District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"Section 403.6 PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE. The following procedure shall be followed to determine developable area by all applicants for subdivision and land development approval. This procedure is enacted to protect sensitive natural resources and relate the development of a site to the conditions of the site.

- a. Phase 1. The applicant shall prepare an "Existing Conditions Map" of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;
- Areas of steep slope, including areas of very steep slopes (25 percent and over) and areas of steep slopes (between 15 and 25 percent);
- Wetland margins (the areas within 100 feet of a wetland);

Manmade Resources:

- Existing roadways;
- Existing rights-of-way (including utility and access rights-of-way);

- b. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

| <u>Natural and Manmade<br/>Feature</u> | <u>Open Space<br/>Percentage</u> | <u>Acres of Land<br/>in Resource</u> | <u>Resource Protected<br/>Land (Acres in<br/>Resource times Open<br/>Space Percentage</u> |
|--|----------------------------------|--------------------------------------|---|
| Floodplain                             | 100%                             | x _____                              | = _____   |
| Wetlands                               | 100%                             | x _____                              | = _____   |
| Watercourses                           | 100%                             | x _____                              | = _____   |
| Very Steep Slope (25% and over)        | 90%                              | x _____                              | = _____   |
| Steep Slope (15-24%)                   | 80%                              | x _____                              | = _____   |
| Wetland Margin                         | 80%                              | x _____                              | = _____   |
| Existing Roadways                      | 100%                             | x _____                              | = _____   |
| Existing Rights-of-Way                 | 100%                             | x _____                              | = _____   |
| Total Protected Area                   |                                  |                                      | _____   |

Individual acreage results shall be totaled to result in the “Protected Area.” The Protected Area shall be deducted from the total site area. The resulting figure shall be the “Developable Area.” Calculations of permissible density or intensity of development shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.”

**SECTION 22.** Section 403, entitled “B/VC Borough/Village Center Mixed Use District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended by adding thereto the following new subsection:

“Section 403.8SEWAGE. Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Within the B/VC Zoning District, connection to existing sewage facilities owned and operated by the Centre Township Municipal Authority, the Centerport Borough Municipal Authority, or some other Municipal Authority shall be utilized for all proposed lots and uses unless such connection is not feasible or is not authorized and approved by the applicable Authority, in which case conventional or alternate onlot sewage systems (as defined in the Pennsylvania Sewage Facilities Act, as amended) shall be utilized. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection as well as the Centre Township Subdivision and Land Development Ordinance and any and all other applicable ordinances and regulations.

**SECTION 23.** Subsection 404.3, entitled “Area, Yard, and Height Regulations” of

Section 404, entitled "PC Planned Commercial/Office District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"Section 404.3 AREA, YARD, AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

|   |                             |
|---|-----------------------------|
|   | <u>Maximum Permitted</u>    |
| Building Height   | 40 feet                     |
| Lot Coverage  | 70 percent                  |
|   | <u>Minimum Requirements</u> |
| Lot Size  | 1 acre                      |
| Lot Width   |                             |
| at street line & for entire Depth of Lot to the Building Setback Line | 100 feet                    |
| at building setback line  | 125 feet                    |
| Front Yard  | 25 feet                     |
| Rear Yard   | 25 feet                     |
| Each Side Yard  | 20 feet                     |

Any side or rear yard bordering an agricultural, residential, mixed use, or institutional district shall have a minimum width of 25 feet and shall include a planted buffer yard with a year-round screen."

**SECTION 24.** Subsection 404.5, entitled "Procedures for Development of Land for Purposes other than Agriculture" of Section 404, entitled "PC Planned Commercial/Office District", of Article IV, entitled "District Regulations", of the "Zoning Ordinance of Centre Township of 2004", is hereby amended and restated in its entirety as follows:

"Section 404.5 PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE. The following procedure shall be followed to determine developable area by all applicants for subdivision and land development approval. This procedure is enacted to protect sensitive natural resources and relate the development of a site to the conditions of the site.

- a. Phase 1. The applicant shall prepare an "Existing Conditions Map" of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;



- Areas of steep slope, including areas of very steep slopes (25 percent and over) and areas of steep slopes (between 15 and 25 percent);
- Wetland margins (the areas within 100 feet of a wetland);

Manmade Resources:

- Existing roadways;
- Existing rights-of-way (including utility and access rights-of-way);

b. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

| <u>Natural and Manmade<br/>Feature</u> | <u>Open Space<br/>Percentage</u> | <u>Acres of Land<br/>in Resource</u> | <u>Resource Protected<br/>Land (Acres in<br/>Resource times Open<br/>Space Percentage</u> |
|--|----------------------------------|--------------------------------------|---|
| Floodplain                             | 100%                             | x _____                              | = _____   |
| Wetlands                               | 100%                             | x _____                              | = _____   |
| Watercourses                           | 100%                             | x _____                              | = _____   |
| Very Steep Slope (25% and over)        | 90%                              | x _____                              | = _____   |
| Steep Slope (15-24%)                   | 80%                              | x _____                              | = _____   |
| Wetland Margin                         | 80%                              | x _____                              | = _____   |
| Existing Roadways                      | 100%                             | x _____                              | = _____   |
| Existing Rights-of-Way                 | 100%                             | x _____                              | = _____   |
| Total Protected Area                   |                                  |                                      | _____   |

Individual acreage results shall be totaled to result in the “Protected Area.” The Protected Area shall be deducted from the total site area. The resulting figure shall be the “Developable Area.” Calculations of permissible density or intensity of development shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.”

**SECTION 25.** Section 404, entitled “PC Planned Commercial/Office District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended by adding thereto the following new subsection:

“Section 404.7SEWAGE. Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Within the PC Zoning District, connection to existing sewage facilities owned and operated by the Centre Township Municipal Authority, the Centerport Borough Municipal Authority, or some other Municipal Authority shall be utilized for all proposed lots and uses unless such connection is not feasible or is not authorized and approved by the applicable Authority, in which case

conventional or alternate onlot sewage systems (as defined in the Pennsylvania Sewage Facilities Act, as amended) shall be utilized. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection as well as the Centre Township Subdivision and Land Development Ordinance and any and all other applicable ordinances and regulations.”

**SECTION 26.** Subsection 405.4, entitled “Area, yard and Height Regulations” of Section 405, entitled “LI Limited Industrial District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“Section 405.4 AREA, YARD, AND HEIGHT REGULATIONS (Except as noted elsewhere in this Ordinance)

Maximum Permitted

|                 |            |
|-----------------|------------|
| Building Height | 40 feet    |
| Lot Coverage    | 70 percent |

Minimum Requirements

|   |          |
|---|----------|
| Lot Size  | 1 acre   |
| Lot Width<br>at street line & for entire Depth of<br>Lot to the Building Setback Line | 100 feet |
| at building setback line  | 125 feet |
| Front Yard  | 50 feet  |
| Rear Yard   | 25 feet  |
| Each Side Yard  | 20 feet  |
| Distance Between Buildings  | 50 feet  |

Any side or rear yard bordering an agricultural, residential, mixed use, or institutional district shall have a minimum width of 50 feet and shall include a planted buffer yard with a year-round screen.”

**SECTION 27.** Subsection 405.6, entitled “Procedures for Development of Land for

Purposes other than Agriculture” of Section 405, entitled “LI Limited Industrial District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“Section 405.6 PROCEDURES FOR DEVELOPMENT OF LAND FOR PURPOSES OTHER THAN AGRICULTURE. The following procedure shall be followed to determine developable area by all applicants for subdivision and land development approval. This procedure is enacted to protect sensitive natural resources and relate the development of a site to the conditions of the site.

- a. Phase 1. The applicant shall prepare an “Existing Conditions Map” of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;
- Areas of steep slope, including areas of very steep slopes (25 percent and over) and areas of steep slopes (between 15 and 25 percent);
- Wetland margins (the areas within 100 feet of a wetland);

Manmade Resources:

- Existing roadways;
- Existing rights-of-way (including utility and access rights-of-way);

- b. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

| <u>Natural and Manmade<br/>Feature</u> | <u>Open Space<br/>Percentage</u> | <u>Acres of Land<br/>in Resource</u> | <u>Resource Protected<br/>Land (Acres in<br/>Resource times Open<br/>Space Percentage</u> |
|--|----------------------------------|--------------------------------------|---|
| Floodplain                             | 100%                             | x _____                              | = _____   |
| Wetlands                               | 100%                             | x _____                              | = _____   |
| Watercourses                           | 100%                             | x _____                              | = _____   |
| Very Steep Slope (25% and over)        | 90%                              | x _____                              | = _____   |
| Steep Slope (15-24%)                   | 80%                              | x _____                              | = _____   |
| Wetland Margin                         | 80%                              | x _____                              | = _____   |
| Existing Roadways                      | 100%                             | x _____                              | = _____   |
| Existing Rights-of-Way                 | 100%                             | x _____                              | = _____   |

## Total Protected Area

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Individual acreage results shall be totaled to result in the “Protected Area.” The Protected Area shall be deducted from the total site area. The resulting figure shall be the “Developable Area.” Calculations of permissible density or intensity of development shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.

**SECTION 28.** Section 405, entitled “LI Limited Industrial District”, of Article IV, entitled “District Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended by adding thereto the following new subsection:

“Section 405.7SEWAGE. Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Within the LI Zoning District, connection to existing sewage facilities owned and operated by the Centre Township Municipal Authority, the Centerport Borough Municipal Authority, or some other Municipal Authority shall be utilized for all proposed lots and uses unless such connection is not feasible or is not authorized and approved by the applicable Authority, in which case conventional or alternate onlot sewage systems (as defined in the Pennsylvania Sewage Facilities Act, as amended) shall be utilized. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection as well as the Centre Township Subdivision and Land Development Ordinance and any and all other applicable ordinances and regulations.”

**SECTION 29.** Subsection 3, entitled “Non-Conforming Lots”, of Section 503, entitled “Conformity and Non-Conformity Regulations”, of Article V, entitled “General Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

### **“3. Non-Conforming Lots**

- A. Lot Area Exceptions – Any lot represented on the effective date of this Zoning Ordinance by an existing deed which does not meet the minimum or maximum 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, coverage and open space requirements for that District shall be met unless a special exception is granted by the Zoning Hearing Board.

A non-conforming lot may be made conforming, or may be made more conforming, as long as this will not result in making another lot non-conforming or more non-conforming. The only exception to this is the condition specified in Section 400.4 regarding agricultural use lots.

- B. Prior Recorded Plans – If the lot size on those subdivisions plans that were approved by the Township and recorded in the Office of the Recorder of Deeds prior to the adoption of this Ordinance do not meet the minimum or maximum requirements of the District in which the tract is located, the Zoning Hearing Board may grant a special exception to the required minimum or maximum 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 or maximum requirements and further that the smaller or larger lot sizes would not be a detriment to the District in which the lot is located.”

**SECTION 30.** Section 514, entitled “Access to Buildings”, of Article V, entitled “General Regulations”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby amended and restated in its entirety as follows:

“**Section 514. ACCESS TO LOTS.** Every lot created after the effective date of this Ordinance shall abut a Public Street or Road or an Approved Private Street or Road. The access to such lot shall conform to the requirements of the Centre Township Driveway Ordinance, as amended, and shall be located entirely within such lot. Within the AP Zoning District, lots to be used for residential purposes may be subdivided from a tract of land which exists at the time of the effective date of this Ordinance which will contain less than the required minimum width at the street line provided that it is demonstrated that such lesser lot width is necessary to conform to the provisions of the ordinance related to preserving agricultural and will not adversely affect the existing or potential use of the residue tract for agricultural purposes. For such lot, the minimum lot width at the street line, as well as for the entire area between the street line and the building setback line, shall be thirty-five (35) feet. The minimum lot width at the building setback line requirement will have to be met, as well as any and all other requirements.”

**SECTION 31.** Section 902, entitled “Separability”, of Article IX entitled “Repealer”, of the “Zoning Ordinance of Centre Township of 2004”, is hereby deleted in its entirety.

**SECTION 32.** If any sentence, clause, section, article or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, causes, sections articles or parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein.

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**SECTION 33.** All ordinances or parts of ordinances of this Township which are inconsistent herewith are hereby repealed.

**SECTION 34.** This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 14 of August, 2006.

BOARD OF SUPERVISORS  
TOWNSHIP OF CENTRE

Barry Paul

Edward Lee

Antene Breidegan

Attest: David Dain