

(As amended by Ordinance 2003-01)

640.04 Subdivision and/or development solely for residential purposes shall be governed by section 643.

(As amended by Ordinance 2003-01)

640.05 Subdivision and/or development solely for non-agricultural, non-residential purposes shall be governed by section 644.

(As amended by Ordinance 2003-01)

640.06 Subdivision and/or development involving a combination of agricultural, residential and/or non-agricultural, non-residential uses shall be governed by section 642 for the portion concerning agricultural development, section 643 for the portion concerning residential development, and section 644 for the portion concerning non-agricultural, non-residential development.

(As amended by Ordinance 2003-01)

641 Parent Tracts, Soil Capability Classes, Prime Agricultural Land

641.01 For subdivision and/or development purposes, a Parent Tract shall be a lot as defined in Section 308 of this Ordinance.

(As amended by Ordinance 2003-01)

641.02 Prior to any subdivision and/or development, owners and/or developers of parcels within the Agricultural Preservation District shall perform a Soil Capability Class analysis of the Parent Tract. The Soil Capability Class analysis shall be prepared using the information set forth in Soil Survey of Berks County, Pennsylvania.

- a. For subdivision and/or development purposes, land with underlying soils rated as being within Soil Capability Classes I, II and III shall be classified as Prime Agricultural Land.
- b. For subdivision and/or development purposes, land with underlying soils rated as being within Soil Capability Classes IV, V, VI, VII and VIII, shall be classified as Non-Prime Agricultural Land.

(As amended by Ordinance 2003-01)

642 Agricultural subdivision and/or development

642.01 Development (buildings, structures or other improvements) solely for agricultural purposes shall be located upon non-Prime Agricultural Land, if possible. To the extent such development must occur on Prime Agricultural Land, that development shall occur only on the least productive soils.

(As amended by Ordinance 2003-01)

642.02 Subdivision and/or development solely for agricultural purposes shall be subject to the following area, yard and height requirements:

a. Maximum Permitted

Lot Size	None
Height (except barns, silos and grain elevators)	35 Feet
Lot Coverage	25 Percent

b. Minimum Required

Lot Size	50 Acres
Lot Width	
At Street Line	150 Feet
At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet

(As amended by Ordinance 2003-01)

642.03 The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

(As amended by Ordinance 2003-01)

643 Residential subdivision and/or development

643.01 Residential subdivision and/or development shall not be permitted upon Prime Agricultural Land, except as follows:

a. In the event the entire Parent Tract consists solely of Prime Agricultural Land, a maximum of two (2) single family detached dwellings may be erected on the Prime Agricultural Land,

provided such dwellings are located on the least productive soils within the Prime Agricultural Land.

- b. In the event the Prime Agricultural Land portion of the Parent Tract encompasses such a large portion of the Parent Tract that the owner/developer cannot erect a single family detached dwelling on the remaining Non-Prime Agricultural Land portion, a maximum of two (2) single family detached dwellings may be erected on the Prime Agricultural Land, provided such dwellings are located on the least productive soils within the Prime Agricultural Land.

(As amended by Ordinance 2003-01)

643.02 Residential subdivision and/or development shall be permitted on the portion of the Parent Tract consisting of Non-Prime Agricultural Land, subject to the following limitation:

Size of Parent Tract	Maximum Number Total Single Family Detached Dwellings Permitted
>0 - 5 acres	1
>5 – 15 acres	2
>15 – 30 acres	3
>30 – 60 acres	4
>60 – 90 acres	5
over 90 acres	6 plus 1 single-family dwelling for each 30 acres over 90 acres

In determining the number of single family detached dwellings, all existing dwellings and all proposed dwellings shall be included. Each lot subdivided from the Parent Tract intended for residential use shall be counted as one single family detached dwelling.

Lots created pursuant to this provision shall be located so as to minimize interference with agricultural production. Where more than one new residential lot is permitted, such lots shall be concentrated or grouped in such a manner as to minimize interference with agricultural production.

(As amended by Ordinance 2003-01)

643.03 Parcels subdivided and/or developed for residential purposes shall be subject to the following area, yard and height requirements:

- a. Maximum Permitted
 - Lot Size 2 acres (except as permitted by section 643.06 a.)
 - Height 35 Feet
 - Lot Coverage 25 Percent

- b. Minimum Required
 - Lot Size None (except as required by section 643.06 b.)
 - Lot Width
 - At Street Line and for entire distance to the setback line 150 Feet
 - At Setback Line 150 Feet
 - Rear Yard 40 Feet
 - Setback Line 40 Feet

 - Side Yard (Subject to Residential Accessory Structure provisions of Section 1020)
 - Total 50 Feet
 - One Side 25 Feet

(As amended by Ordinance 2003-01 and Ordinance 2005-06)

643.04 DECREASED LOT WIDTH AT STREET LINE BY SPECIAL EXCEPTION

The Zoning Hearing Board may, by Special Exception, allow the minimum lot width at the street line to be decreased to a width less than that required under § 643.03 subject to the following minimum standards:

- a. All other requirements of the Bethel Township Zoning Ordinance, the Bethel Township Subdivision and Land Development Ordinance, the Bethel Township Driveway Ordinance, and any and all other applicable local, State and Federal ordinances, rules or regulations, applicable to residential development in the AP Zoning District shall be complied with;
- b. The lot being created shall otherwise be consisted with the purposes and intent of this Ordinance, and specifically the purposes and intent of the AP Zoning District;
- c. The minimum lot width at the street line, and for the entire distance to the setback line, shall not be less than 30 feet;

643.05 The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

(As amended by Ordinance 2003-01)

- 643.06 a. A proposed residential lot exceeding the 2-acre maximum lot size may be permitted, provided the owner/developer has a sufficient quota of additional lots available and agrees to use such available lots for this purpose.

Example 1: Assume, based on the size of the Parent Tract, an owner/developer is entitled to create three (3) 2-acre lots. The owner/developer proposes a 2.5-acre lot for the first lot. Since the proposed 2.5-acre lot exceeds the maximum lot size, the owner/developer may use 2 of his/her quota of 3 available lots to create the proposed 2.5-acre lot. The third available lot shall not exceed 2-acres in size.

Example 2: Assume, based on the size of the Parent Tract, an owner/developer is entitled to create three (3) 2-acre lots. The owner/developer proposes a 5-acre lot for the first lot. Since the 5-acre lot exceeds the maximum lot size, the owner/developer may use his/her entire quota of available lots, 3, to create the proposed 5-acre lot. No additional lots may be created.

- b. All residential lots created under this section shall be of sufficient area to safely accommodate access, principal and accessory structures and non-municipal water and sewage needs.

(As amended by Ordinance 2003-01)

644 Non-agricultural, non-residential subdivision and/or development

644.01 Non-agricultural, non-residential subdivision and/or development shall not be permitted on Prime Agricultural Land, except as follows:

- a. In the event the entire Parent Tract consists solely of Prime Agricultural Land, all non-agricultural, non-residential development shall be located only on the least productive soils within the Prime Agricultural Land.

(As amended by Ordinance 2003-01)

644.02 Non-agricultural, non-residential subdivision and/or development is subject to the following area, yard and height restrictions:

a. Maximum Permitted

Lot Size (unless otherwise specified)	3 acres
Height (except telecommunication towers)	35 feet
Lot Coverage	25 Percent

b. <u>Minimum Required</u>	
Lot Size	1 Acre
Lot Width	
At Street Line	150 Feet
At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet

(As amended by Ordinance 2003-01)

644.03 The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

(As amended by Ordinance 2003-01)

645 Agricultural Use Notification

All subdivision and/or land development plans shall conspicuously display the following Agricultural Use Notification:

“All lands within the Agricultural Preservation District, as designated by the Bethel Township Zoning Ordinance of 2000, as amended, and the Bethel Township Zoning Map, as amended, are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law

(Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations.”

(As amended by Ordinance 2003-01)

660 SITE PLAN REVIEW

For all uses permitted by right or by special exception, Site Plan Review by the Planning Commission, pursuant to the provisions of Section 1031 of this Ordinance,