

# ZONING ORDINANCE

The following information is provided as a courtesy only. The originals and official updated copies are maintained at the Bethel Township Municipal Building.

## Zoning Legend

Section 1: Frequently Asked Questions (FAQ)

Section 2: Sample Drawings

## Section 1 - FAQ

**Frequently Asked Questions:** The following are answers to questions and complaints, which are frequently asked by homeowners; Where applicable, a copy of a portion of the specific section of the Zoning Ordinance follows the answer. All applicants should review the Ordinance *in its entirety for specific and detailed requirements* concerning individual situations and Lots. This FAQ Section is provided as a quick reference only.

**Click on a topic below for more information:**

- Zoning of a particular property
- How to obtain a permit
- Information required for a permit
- Garages
- Sheds
- Decks/Patios
- Blow-up swimming pools
- Swimming pool location
- Swimming pool fencing
- Swimming pool fencing material
- Fences
- Home occupation
- Decorative pillars
- Retaining walls
- Trash stored in front yard
- Boarding livestock
- Zoning variance

**Q: How do I find the listed Zoning classification and requirements for a specific lot/parcel?**

**A:** Locate the property on the copy of the [Zoning Map](#), which can be found on this website, and make a note of the Zoning District. Locate the copy of [Zoning Ordinance #182](#), which is also located on this website. A review of the index page will direct you to the section listing the requirements for the specific Zoning District of the subject property.

**Q: Once it has been established a Zoning Permit is required, how do I obtain the permit?**

**A:** Contact the Bethel Township Code Office and obtain a copy of the [Zoning Permit Application](#), which can be found on this website. Complete the application, attach a plan containing the required information, and submit the completed package to the Code Enforcement Office along with the required fee. The amount of the required fee varies for each type of application, i.e. shed, garage, or addition. The Code Enforcement Office can provide the correct amount.

**Q: What information is required to be included with the permit application?**

**A:** The amount and type of information varies for each Zoning Permit application. There are samples of plans included in section 2 of this document containing the minimum amount of information required for each permit. The Code Enforcement Officer or Zoning Officer may determine if additional information is required while reviewing the application.

**Q: Do I need a Zoning Permit for a garage if it is attached or detached?**

**A:** Yes, all new garages require permits. The Zoning Ordinance limits the location, size, and number of all accessory structures permitted on a lot. Section 1906 lists the specific requirements for detached garages. The requirements for an attached garage revert to the requirements for a dwelling.

## **SECTION 1906 Accessory Uses**

### **4. Detached Garages or Barn**

The detached private garages or barns erected on any lot must be at least twenty (20) feet from the rear of the dwelling and shall not be less than thirty (30) feet from the rear property line and shall not be less than ten feet from the side property line. No detached garage or barn shall exceed eight hundred sixty (860) square feet in total area. The height of any residential garage or barn, regardless of the zoning district, shall not exceed sixteen (16) feet in total height (Top of peak), with a roof having a pitch of three inches or more to the foot, or twelve feet total height with a pitch of less than three inches to the foot measured from the ground level.

### **5. Attached Garage**

Attached private garages, which are connected to any dwelling, with or without a breezeway, shall be considered a part of the dwelling for the purpose of measuring any required open spaces. All such attached garages shall be constructed in accordance with the building code.

**Q: Do I need a permit for a shed? How about a plastic (Tupperware) type shed?**

**A:** Yes, all sheds require permits; Material used for the construction of the shed does not eliminate the need for a permit. The Zoning Ordinance limits the location, size, and number of all accessory structures permitted in a lot. Sections 1906 and 1907 list the specific requirements for accessory structures.

## **SECTION 1906 Accessory Uses**

### **6. Accessory Building**

No minor accessory building, such as lawn shed, storage shed, garden shed or greenhouse shall exceed 200 square feet in floor area. No such building shall exceed a total height of 12 feet. Minimum setback shall comply with Article 19, Section 1907. All accessory buildings must be behind the dwelling or main

building. Multiple accessory structures are permitted on one Lot subject to Section 1906.7.

#### **7. Number of Accessory Buildings**

In addition to the above the maximum number of accessory buildings on one Lot may not exceed the following;

- a. Lots containing less than 30,000 sf.: One (1) accessory building.
- b. Lots containing 30,000 sf. to 65,340 sf (1.5 Ac): Two (2) accessory buildings.
- c. Lots containing over 65,340 sf. (1.5 Ac) to 217,800 sf. (5.0 Ac.): Three (3) accessory structures with a minimum separation distance of 50 feet required between the third accessory building and any other building.
- d. Lots containing over 217,800 sf. (5.0 Ac.): Five (5) accessory structures with a minimum separation distance of 50 feet required between the third through fifth accessory buildings and any other buildings.

#### **SECTION 1907 Minimum Set Back of Accessory Uses**

An accessory building may be erected within one side yard provided that the side and rear yards are not less than seven (7) feet each. All accessory buildings must be behind the dwelling or main building. An accessory building may be erected in conjunction with an accessory building on an adjacent property when separated by a masonry wall free of any opening and constructed on the common lot line, provided written consent, of the Zoning Officer, must be attached to and remain a part of the application for a building permit for the accessory building.

**Q:** Is a permit required for a deck or patio? How about a patio to be constructed of “paver”-type blocks?

**A:** Yes, permits are required for ALL decks and/or patios regardless of the material used for construction. The patio and/or deck must be located within the limits of the building setback lines as established by the Zoning Ordinance.

**Q:** I just purchased a quick blow-up swimming pool. Do I need a permit before installing it?

**A:** Section 1915 defines the criteria of a swimming pool requiring a permit, generally if the water depth is 18” or more, or if it holds 750 gallons or more of water, then a permit is required. Remember, the purpose of the requirements is generally for the safety of young children and to prevent unauthorized and unsupervised entry into the pool. If your new pool does not require a permit, precautions should still be taken to prevent the unauthorized and unsupervised use of the swimming pool.

#### **SECTION 1915 Private swimming pools**

1. Definitions: Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

**PRIVATE SWIMMING POOL:** Any body of water, tank, pond, or other receptacle for water containment, whether artificially or semi-artificially constructed, or portable, having a depth at any point eighteen (18) inches or over, or containing over seven hundred fifty (750) gallons of water; used, or intended to be used, for swimming or bathing by the owner, his family, his tenants and guests of the residents, and constructed, installed, established or maintained in or outside of any building, in or above the ground, on any premises as an accessory use to the residence. Any pools less than eighteen (18) inches in depth; or with a capacity less than seven hundred fifty (750) gallons of water are excluded herefrom.

**Q:** Can I locate my new swimming pool along the side of my house or immediately adjacent to my rear door?

**A:** Section 1915 requires a swimming pool to be located a minimum of ten (10) feet from the rear of a dwelling.

#### **SECTION 1915 Private swimming pools**

1. Definitions: Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

FRONT YARD: Shall mean the area of a lot lying between the street and the dwelling extending across the full width of the lot, and, in the case of a corner lot, extending the full depth of the lot.

7. Location: No private swimming pool shall be constructed nearer than fifteen (15) feet to a property line, nor ten (10) feet from the rear of the house, nor shall it be constructed or placed in the front yard of such property. Accessory buildings such as locker rooms, bath houses, cabanas, shower rooms, toilets, and other physical facilities or equipment incident to the operation of any private swimming pool shall conform to the requirements of the Bethel Township Building, Plumbing and Zoning Code.

Q: Do I need a fence around my swimming pool?

A: Yes, all swimming pools require fencing.

### **SECTION 1915 Private swimming pools**

1. Definitions: Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

FENCE: An enclosure. Such enclosure shall be at least four (4) feet in height, constructed of masonry, wood, or metal, with apertures no larger than three (3) inches, equipped with a self closing gate and complete with a key-operated lock.

8. Fencing: Every private swimming pool shall be completely surrounded by a fence, as described in Section 1. Every person maintaining a private swimming pool shall keep the gate closed and locked at all times when said pool is not in use by the person maintaining the same, his family or his guests. Within thirty (30) days after the effective date of this Ordinance, any person maintaining a private swimming pool within the limits of Bethel Township, which has been constructed prior thereto, shall erect a fence surrounding said pool.

Q: Is there a specific fence style or fence material required?

A: No, however there are some fences, which will not be accepted by Bethel Township to satisfy the requirement of fencing around a swimming pool. Example: A Post and SPLIT RAIL fence with wire stapled to it is NOT permitted; However, a Post and FLAT RAIL fence with wire staple is permitted. The gauge of the wire must be pre-approved, and it must be stapled to the post and rails to provide a tight fence. All fence types must be approved by the Zoning Officer prior to installation. **DO NOT** accept any representation by a fence company salesman that the fence is approved and used in other counties or townships. The fence is being installed in Bethel Township, and thus it must be approved by Bethel Township. Homeowners have been required to replace newly installed fences that were installed but not pre-approved by Bethel Township for use around swimming pools.

Q: I do not have a swimming pool, yet I do want to install a fence. Is a permit required?

A: Section 1916 lists requirements for fencing. Generally, if the fence is a privacy fence, then a permit is required and the specifics listed in Section 1916 must be followed. If it is not a privacy fence, then a permit is not required; However, Section 1916 also lists required guidelines to be followed for **all fencing**.

### **SECTION 1916 Fencing**

#### **1. Privacy Fencing**

A. Definition: Privacy Fence: Any fence or wall constructed in excess of four feet in height designed to shield the owner's property from view, constructed of wood, steel, masonry, aluminum or plastic and cyclone fences with plastic inserts.

B. Regulations: No privacy fence shall exceed six feet in height measured from the ground level to the extreme top.

C. Location: Privacy fences may be erected along the rear property line, and the side property line. However, no privacy fence shall be erected past the front building line or front yard setback line, whichever is greater.

D. Corner Lots: Corner lots have no rear yards, but have two front yards and two side yards, regardless of which street the building faces.

E. Materials: All privacy fences shall be constructed of like materials of sufficient strength to prevent said fence from leaning over or encroaching on surrounding property. The face side of said fence shall face the adjoining property. If a masonry wall is used said wall must be finished in a workmanlike manner. Concrete block walls shall be properly coped and coated with two coats of stucco.

F. Maintenance: All privacy fences shall be maintained in a safe condition. All parts broken or missing shall be promptly replaced. Any fence deemed unsafe by the Building Inspector shall be, upon due Notice in Writing, removed or replaced immediately.

G. Exceptions:

(1) A fence having a minimum of fifty-percent clear visual opening for each square foot shall not be governed by this Ordinance as it pertains to Privacy Fencing.

(2) Open wire fencing shall not be governed by this Ordinance as it pertains to Privacy Fencing.

H. Permits: No privacy fence shall be erected until a permit for the construction of the same has been obtained from the Building Inspector and Zoning Officer, and the required permit fee paid. The provisions of this Section shall not apply to existing fences.

## 2. Fencing

A. Definition: Fence: A structure erected to enclose, either partially or fully, a specific area and act as a barrier.

B. Regulations: No fence shall exceed four feet in height measured from the ground level to the extreme top.

C. Location: Fences may be erected along the rear property line, and the side property line. **However, no fence shall be erected past the front building line or front yard setback line, whichever is greater.**

D. Corner Lots: Corner lots have no rear yards, but have two front yards and two side yards, regardless of which street the building faces.

E. Materials: All fences shall be constructed of like materials of sufficient strength to prevent said fence from leaning over or encroaching on surrounding property. The face side of said fence shall face the adjoining property. If a masonry wall is used said wall must be finished in a workmanlike manner. Concrete block walls shall be properly coped and coated with two coats of stucco.

F. Maintenance: All fences shall be maintained in a safe condition. All parts broken or missing shall be promptly replaced. Any fence deemed unsafe by the Building Inspector shall be, upon due Notice in Writing, removed or replaced immediately.

**Q:** Is a home occupation permitted in a dwelling located in a residential zoned area?

**A:** Yes, a home occupation without employees is permitted, however the guidelines as established in Section 1917.1 through 1917.8 must be followed. If any additional employees are associated with the home occupation, then a Special Exception from the Zoning Hearing Board must be obtained prior to the start of the home occupation.

### **SECTION 1917 Home Occupation**

Home occupations **with employees** shall be permitted as Special Exception in the R-1 & R-3 Zoning Districts as outlined in Section 219.5.

1. The occupation (or profession) shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the residential use of the dwelling.
2. Only one occupation per dwelling shall be permitted.
3. Not more than twenty-five percent of the gross floor area of the dwelling, including accessory structures, shall be used for the home occupation. Areas used for storage shall be included in this calculation.
4. No external alterations inconsistent with the residential use shall be permitted.
5. There shall be no display of materials or products visible from outside the dwelling.
6. No noise, vibration, smoke, glare or any other impact shall be noticeable at or beyond the property line.
7. There shall be no outdoor storage of equipment, materials or supplies.
8. Deliveries may not be made more than one per day and shall not restrict traffic circulation.

**Q:** I'm planning to have a decorative stone/brick pillar installed on my property adjacent to the street in front of my house. This would also be used as a mailbox. Is this permitted?

**A:** The pillar cannot be installed within the Township/PennDOT road right-of-way. Generally, the right-of-way is located approximately twelve feet from the roadway. You must have the limits of your property surveyed prior to installing the pillars, or they will have to be removed if found to be within the limits of the right-of-way.

### **SECTION 1914 Construction in Public Easements and Public Right-of-Ways**

No permanent construction of garages or accessory structures, fences, walls, or signs shall be permitted in Public Easements and/or Public Right-of-Ways.

**Q:** I'm looking to construct a retaining wall on my property for the purpose of obtaining more useable space with no additional improvements proposed. Is a permit required for the wall?

**A:** Yes, all retaining walls require a Zoning Permit.

### **SECTION 1913 Retaining Walls**

Retaining walls must be set back from any property line a distance equal to the height of the wall. All walls, which exceed four feet in height, must be designed by a registered engineer. All retaining walls shall require a permit.

- Q: My neighbor cuts his lawn or does trimming of his landscaping and stores the debris in bags in his driveway for days before they are scheduled for pick-up. Is this permitted?
- A: No, Section 2009 requires **all trash** to be stored behind the front of the house and placed curbside no sooner than 24 hours prior to pick-up.

### **SECTION 2009 Industrial Waste or Sewage**

#### 2. Residential Trash

Trash, including recyclables, must be stored behind the front of the house and put curbside 24 hours prior to pick-up and no sooner.

- Q: I live in an area zoned residential, however I have a large lot and would like to board a horse. Is that permitted?
- A: Section 601 for the R-1 residential district, lists agricultural use as a permitted use, which does allow for keeping of livestock, animal, and/or poultry, however you must have a **minimum of ten (10) acres** for this use to be permitted.

### **SECTION 601 Use Regulations**

4. Agricultural use including the keeping of livestock, animal and/or poultry, customarily incidental to such use or nursery; provided, however, that the following specialized uses will be permitted only when authorized as a special exception: animal farms, riding academy, mushroom house, commercial greenhouse, permanent roadside stand for sale of farm products, and provided any such use is in compliance with state statutes and Township ordinances, and provided, further, that no piggery shall be permitted. The minimum lot area for agricultural use is **10** acres. A veterinary office is permitted by special exception.

- Q: My request for a Zoning Permit has been reviewed and denied, yet I still want to build my deck, porch, patio, garage, and/or pool in the location I've requested. What options do I have or is the denial the final decision?
- A: Section 218 permits an applicant, whose request for a Zoning Permit has been denied, to appeal the decision to the Zoning Hearing Board (ZHB). You must contact the Bethel Township Code Office and obtain a copy of the [Zoning Hearing Board of Appeals](#). Complete the application, attach a plan containing the required information, and submit the completed package to the Code Office along with the required fee. The amount of the required fee can be obtained from the Code Office. The Zoning Officer or Chairman of the Zoning Hearing Board will contact you concerning the scheduling of a meeting. You must present information to the ZHB concerning the reason you believe they should overturn the decision of the Zoning Officer. Section 218 lists the requirements for obtaining the variance. An application to the ZHB is not a guarantee that the variance request will be granted. Each application must stand on its own merit, and the decision does not depend on previous approvals or denials.

### **SECTION 218 Variance**

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance

inflict unnecessary hardship upon the appellant. The Board may grant a variance provided that the following findings are made where 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 the Zoning Ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship had 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 or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation in issue.

**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.**

## Section 2 - Sample Drawings

The following are SAMPLE drawings of the minimum information required to be included on a plan submitted with a Zoning Permit application. The Zoning Officer and/or Code Official may require additional information after reviewing the plan provided.

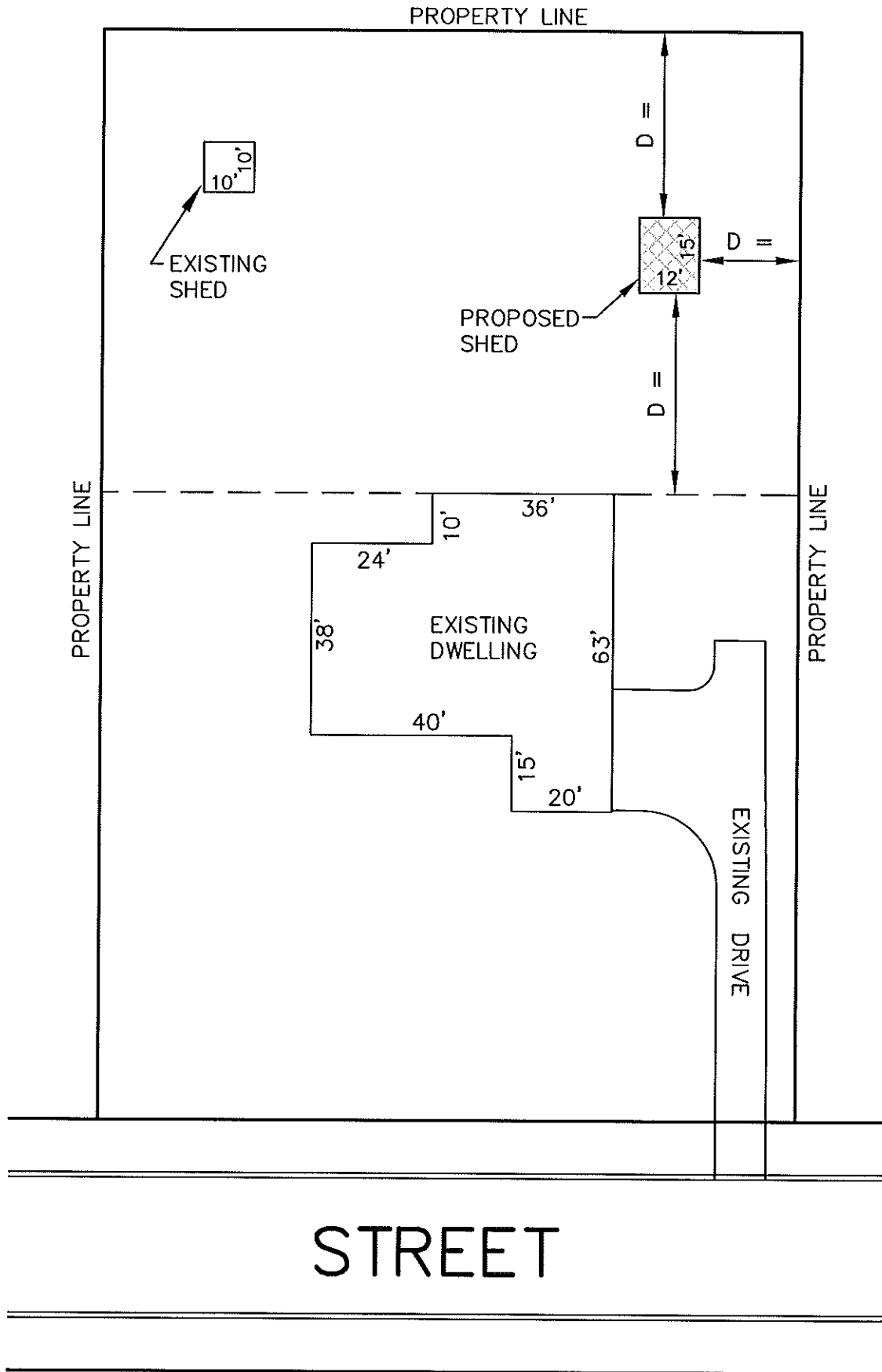
Click on the drawing to view the plan:

<u>Drawing Number</u>	<u>Drawing Use</u>
S-1	Shed
S-2	Patio/Porch
S-3	Pool Plan
S-4	Attached Garage/Addition
S-5	Detached Garage



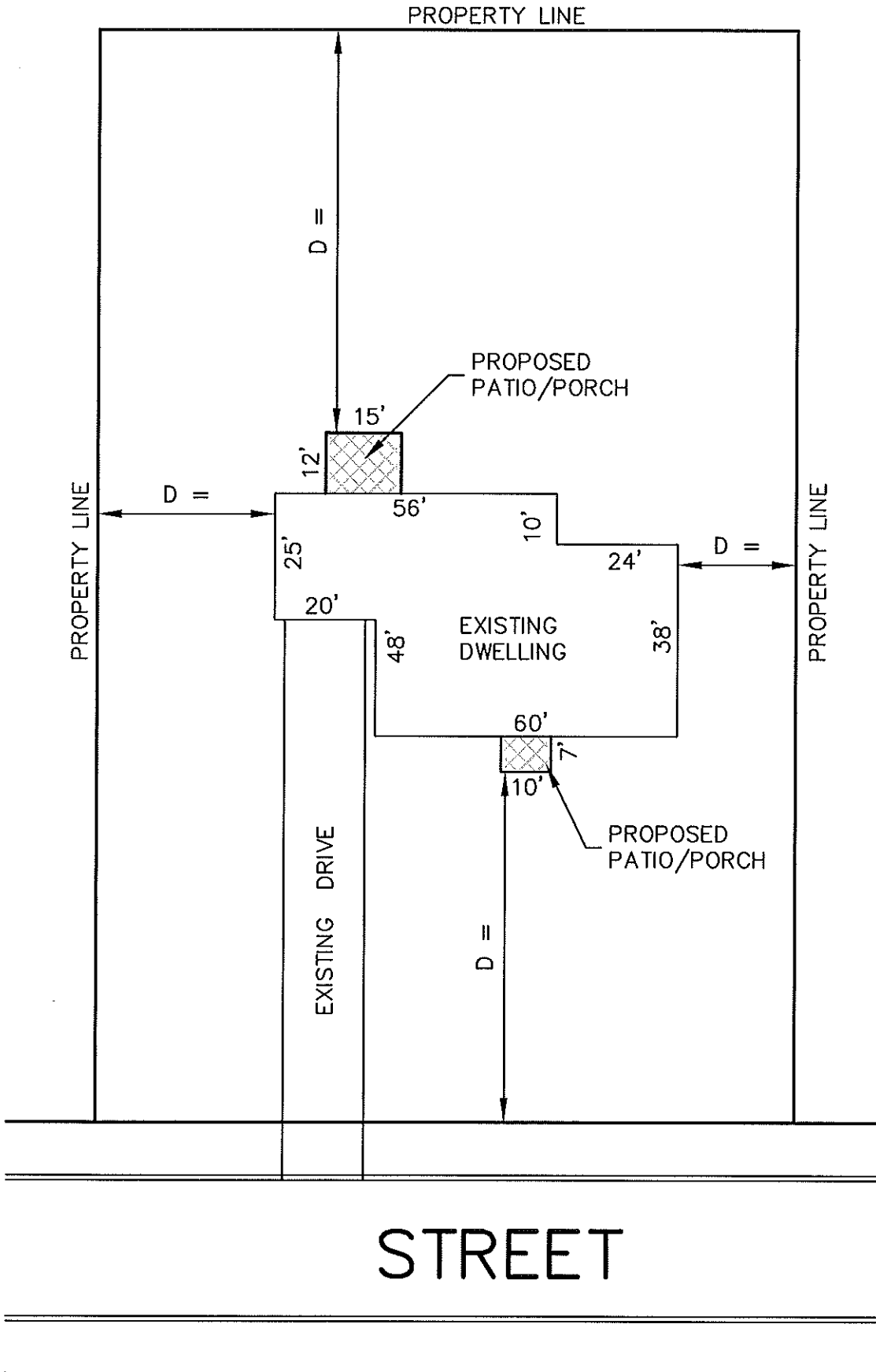
# SHEDS S-1

*D = MEASURED DISTANCE (FEET)*



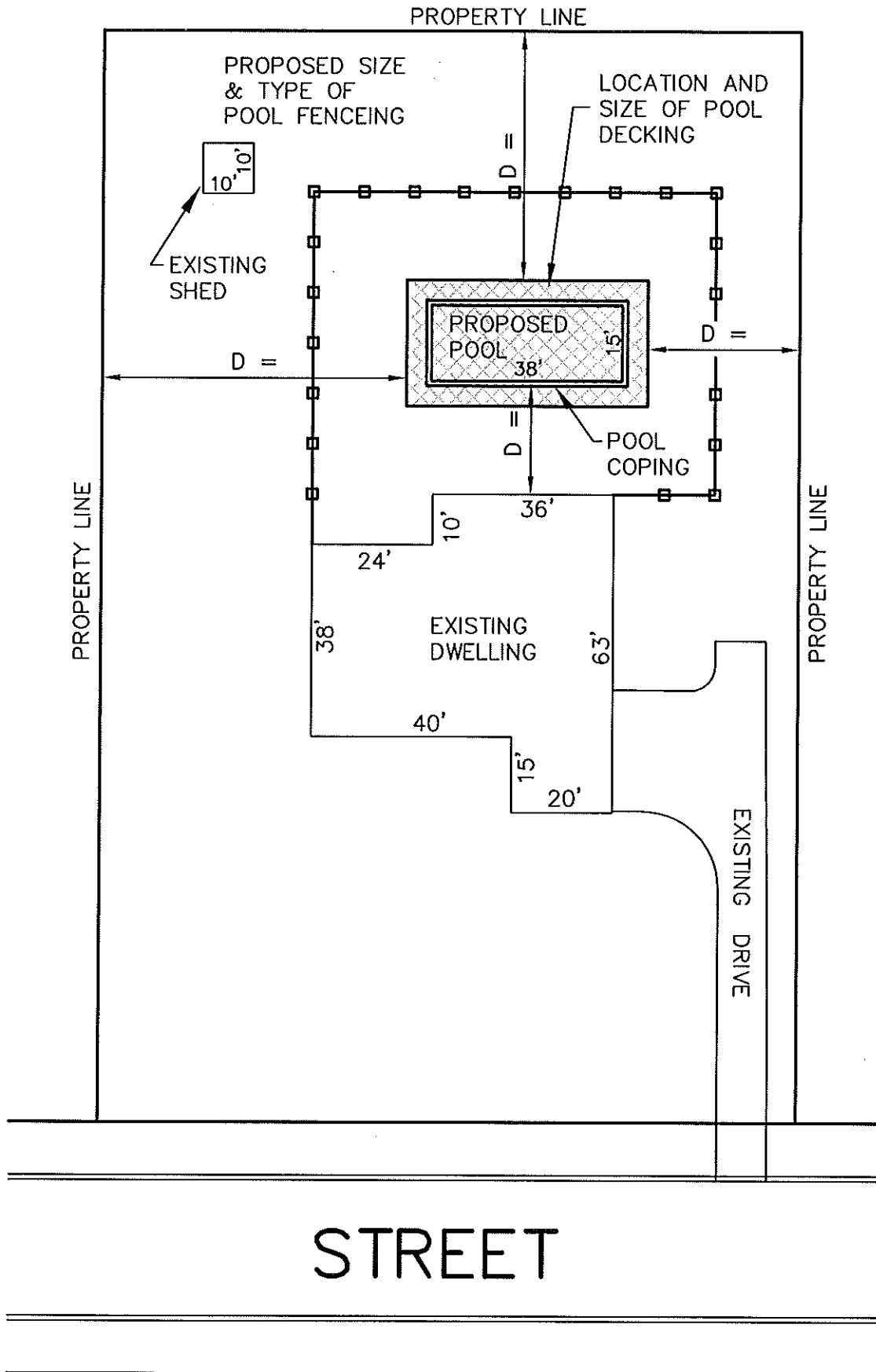
# PATIO/PORCH S-2

*D = MEASURED DISTANCE (FEET)*



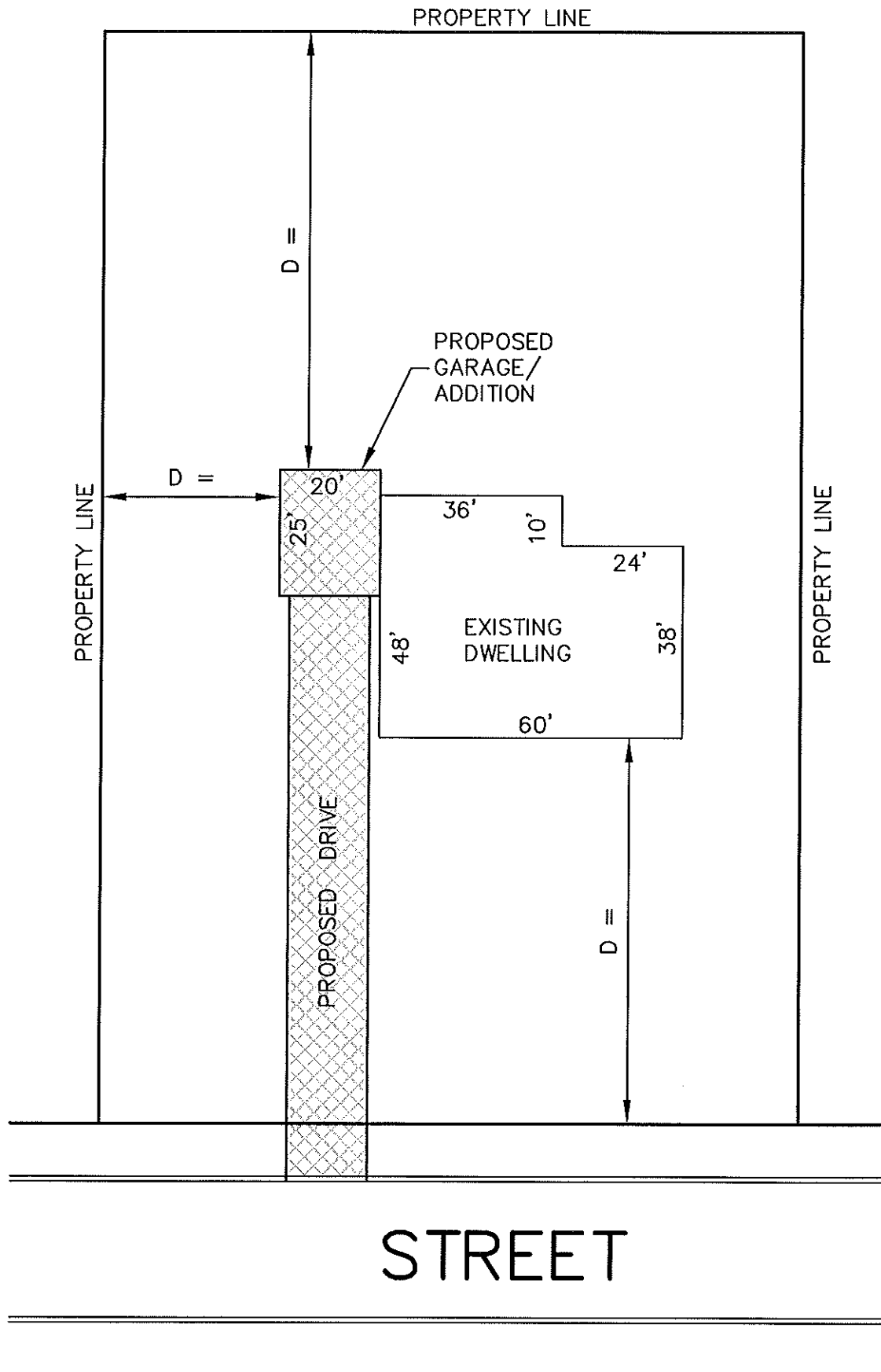
# POOL PLAN S-3

*D = MEASURED DISTANCE (FEET)*



# ATTACHED GARAGE/ADDITION S-4

*D = MEASURED DISTANCE (FEET)*



# DETACHED GARAGE ADDITION S-5

*D = MEASURED DISTANCE (FEET)*

