

**ARTICLE I  
PREAMBLE**

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**101 Title And Short Title.**

A. Title

“An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; environmental performance standards; and off-street parking and similar accessory regulations for the Township of Hereford, Berks County, Pennsylvania, dividing the Township into districts and prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.”

B. Short Title

This Ordinance shall be known as and may be cited as the “Hereford Township Zoning Ordinance ”

**102 Application.**

A. From and after the effective date of this Ordinance and except as hereinafter provided, no building, structure, land, signs or portions thereof shall be used, occupied, erected, constructed, assembled, moved, enlarged, or structurally altered unless in conformity with the provisions of this Ordinance.

B. Except as expressly addressed by any specific provision of this Ordinance, the provisions hereof shall not apply to regulate municipal use on any lands by the Township of Hereford, and any such municipal use shall not be subject to the provisions hereof.

C. Any buildings, structures, land, signs, or uses existing prior to the effective date of this Ordinance and not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to regulations herein regarding nonconformities, except for developments falling within the provisions of Section 508(4) of the Municipalities Planning Code.

D. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the purposes of this Ordinance.

E. Nothing in this Ordinance shall be interpreted to prevent the Township from granting such relief from the terms of this Ordinance or such concessions to applicants under the terms of this Ordinance when such relief or concessions are in exchange for public improvements or facilities which could not otherwise be required or stipulated. Such reliefs and concessions shall be solely at the discretion of the Board of Supervisors. The

granting of such relief or concessions shall not unnecessarily endanger the public health, safety or welfare. The Township shall grant such relief and concessions on a case-by-case basis and shall not be bound by precedent under any conditions.

### **103 Purpose.**

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, in order to promote, protect and facilitate the public health, safety, and welfare through:

- A. Fulfillment of the purposes of Article I, Section 27 (the Environmental Amendment) of the Pennsylvania Constitution, which reads: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania’s natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people.”
- B. Provision for the protection and preservation of natural resources, including water resources and agricultural land and related activities;
- C. Coordinated and practical community development, providing for proper population density and prevention of overcrowding of land;
- D. Provision for safe and efficient travel by vehicles, bicycles and pedestrians, including adequate parking and loading facilities;
- E. Provision for adequate water and sewer facilities;
- F. Provision for schools, public ground, recreation and other public improvements; and
- G. Facilitation of adequate emergency services;

This Ordinance is enacted in accordance with an overall program and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

### **104 Community Development Objectives.**

This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Hereford-Washington Townships Joint Municipal Comprehensive Plan of 2005, as amended, and is intended to promote the public health, safety, and general welfare by achieving the following purposes and objectives for the development of Hereford Township.

- A. To accommodate reasonable overall community growth and guide development to areas with available infrastructure and in a manner which reduces development pressure on the rural landscape and avoids land use conflict.
- B. To provide housing options for residents of all ages and income levels.
- C. To provide for uses which offer local employment, goods and services for residents and supplement municipal revenue.
- D. To preserve the rural character of the Township and to protect and enhance open space and natural and cultural resources, including farm and forest lands.
- E. To provide for an efficient, well-maintained transportation network to ensure the safe mobility of all users.
- F. To provide for services, facilities, and utility networks that ensure an enriched quality of life to meet the needs of a growing population.

#### **105 Conflict.**

- A. It is not the intent of this ordinance to interfere with, abrogate, or annul any rules or regulations previously issued by the Township, provided the same are not in conflict with any provision of this Ordinance, nor is it the intent of this Ordinance to interfere with, abrogate, or annul any easement, covenant, building restriction, or any other agreement between or among private parties.
- B. Where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of another ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control.
- C. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

#### **106 Repealer.**

All ordinances, resolutions, regulations, or any parts of such, which are inconsistent with the regulations of this Zoning Ordinance, including the Hereford Township Zoning Ordinance of 1973 and amendments thereto, are hereby repealed to the extent of such inconsistency.

#### **107 Validity and Severability.**

The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, then such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Board of Supervisors of Hereford Township that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**108 Warning and Disclaimer.**

This Zoning Ordinance shall not create liability on the part of Hereford Township or on any officer or employee thereof for any damages that result from reliance on this Ordinance or any administrative decision lawfully made pursuant to the provisions hereof.

**109 Effective Date.**

This Ordinance shall be effective upon the earliest date permitted by law.