

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE TOWNSHIP OF HEREFORD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE HEREFORD TOWNSHIP ZONING ORDINANCE, ORDINANCE # 2009 - 04 AS AMENDED TO UPDATE THE DEFINITION OF AUTOMOTIVE REPAIR FACILITY, CONVENIENCE STORE, FUEL DISPENSING STATION, GAS STATION AND SERVICE STATION AND MAKE / AMEND SPECIFIC PROVISIONS FOR THESE USES WITHIN THE MIXED USE DISTRICT AND OTHER USE DISTRICTS

WHEREAS on May 27, 2009, the Board of Supervisors of Hereford Township adopted Ordinance Number 2009-04 entitled Hereford Township Zoning Ordinance; and,

WHEREAS on November 1, 2011, the Board of Supervisors of Hereford Township adopted Ordinance Number 2011-05 amending the Hereford Township Zoning Ordinance; and

WHEREAS on May 1, 2012 the Board of Supervisors of Hereford Township adopted Ordinance Number 2012-02 making further amendments to the Hereford Township Zoning Ordinance; and,

WHEREAS on June 5, 2012 the Board of Supervisors of Hereford Township adopted Ordinance 2012-04 making further amendments; and,

WHEREAS the Township believes further amendments are needed,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of Hereford Township, Berks County, Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: Amendments to Definitions

- A. Article II “Definition of Terms” Section 202 “Definition of Terms” is hereby amended by changing and/or amending as follows:
 - 1. Add a new Definition, in alphabetical order as follows: “Automotive Repair Facility - An area of land including structures that is used for the maintenance and repair of motor vehicles as a commercial service, including facilities for lubricating and otherwise servicing motor vehicles, body work and vehicle painting but does not include car wash facilities or the sale of new or used automobiles. For the purpose of this Ordinance, an Automotive Repair Facility differs from a Service Station.”
 - 2. Change the definition of “Convenience Store” to read as follows:
“Convenience Store – A retail store predominantly selling food and drink for use and consumption off the premises as well as snacks and miscellaneous related items and may also include but is not required to offer a Fuel Dispensing Station

for customers. Examples include Turkey Hill Markets, Wawa, and Sheetz, as those stores are currently operated in the general area.”

3. Add a new Definition in alphabetical order as follows: “Fuel Dispensing Station – an area on a lot dedicated for the sale and storage of motor vehicle fuels and/or kerosene, agricultural/off-road diesel, and other similar fuels as determined by the Zoning Officer which meets the requirements set forth in Section 1924.

4. Change the definition of “Gas Station” to read as follows: “Gas Station – A structure, building or area of land or any portion thereof that is used for the retail sale of gasoline, diesel and other fuels. The term “Gas Station” does not apply to: i) the sale of fuel in conjunction with a Convenience Store or Service Station; or ii) any business or industry that dispenses gasoline solely for its own use and vehicles.

5. Change the definition of “Retail Use” to read as follows: “Retail Use, Retail Sales, Retail Establishment – A commercial use featuring the sale of goods or services directly to the general public by any means. In applying these terms, the particular defined terms are applicable and supersede more general categories so that if another activity is specifically defined, that definition will control in interpreting this ordinance and interpreting the use districts and provisions therein, even if such specifically defined uses also involve the sale of goods and services directly to the general public.”

6. Change the definition of Service Station to read: “Service Station – An area of land including structures that is used for the maintenance and repair of motor vehicles as a commercial service, including facilities for lubricating, washing, and otherwise servicing motor vehicles. A service station may include the a Fuel Dispensing Station and the sale of automotive accessories, but does not include vehicle painting or other body work operations or the sale of new or used automobiles”

SECTION 2: Amendments to Article IX – MU - Mixed Use District

A. Article IX “MU-Mixed Use District” Section 902 “Use Regulations” Subsection C “Uses permitted as Conditional Use” is hereby amended by deleting the existing subparagraphs 3 & 4 and replacing with the following:
“3. Automotive Repair Facility subject to the performance standards of Section 1925.

4. Gas Station when in conformance with the performance standards set forth in Section 1915”

B. Article IX “MU-Mixed Use District” Section 902 “Use Regulations” Subsection C “Uses permitted as Conditional Use” is hereby amended by adding new paragraphs 23 and 24 as follows and renumbering existing paragraph 23 as new paragraph 25:

“23. Convenience Store as defined by this ordinance and which also complies with the performance standards set forth in Section 1923.

24. Service Station when in conformance with the performance standards of Section 1925.”

SECTION 3: Amendments to Article X – I – Industrial District

A. Article X “I-Industrial District”, Section 1002 “Use Regulations”, subsection A “Uses permitted by right” is amended to delete the existing language in subparagraph 7 and replace it with “7. Automotive Repair Facility, excluding Service Stations and Gas Stations, subject to the performance standards of Section 1925”

B. Article X “Industrial District,” Section 1002 “Use Regulations”, subsection C “Uses permitted as conditional use” is amended to renumber subparagraphs 4 through 15 as 5 through 16 and deleting the existing language of subparagraph 3 and adding the following as subparagraphs 3 and 4:

“3. Gas Station when in conformance with the performance regulations of Section 1915.

4. Service Station when in conformance with the performance regulations of Section 1925.”

SECTION 4: Amendments to Article XVII – Common Regulations

A. Article XVII-Common Regulations, Section 1711 Off-Street Parking Requirements, subsection C “Minimum Number of Spaces Required” is amended as follows:

1. In subparagraph 2.n, delete the existing language and replace it with the following: “Gas Station-One parking space per pump.
2. In subparagraph 2.w replace the existing language in its entirety with “Vehicular Sales, Automotive Repair Facility, Service Station – two (2) spaces per each two hundred square feet of floor or ground area devoted to repairs, sales, and service facilities. In no case shall the spaces permitted for motor vehicle storage in conjunction with an Automotive Repair Facility or Service Station be less than five (5).”
3. Add subparagraph 2.y to read “Car Wash - Three (3) stacking spaces per bay, plus two (2) drying spaces per bay.”
4. Add subparagraph 2.z to read “Convenience Store – Five (5) parking space per 1,000 square feet of gross leasable area.
5. Add subparagraph 2.aa to read “Fuel Dispensing Station – One (1) parking space per pump.

SECTION 5: Amendments to Article XIX - Supplementary Regulations

- A. Article XIX Supplementary Regulations is hereby amended to delete subsection 1915 Gas Station / Service Station / Car Wash in its entirety and replace it with the following:

“Section 1915 Gas Station

- A. The minimum lot width shall be not less than two-hundred (200) feet along each street on which access is proposed.
- B. Access shall be setback at least forty (40) feet from the intersection of any street, measured from the right-of-way intersection.
- C. Parking spaces shall be provided in accordance with the requirements of Section 1711.
- D. No automobile repair or service activities shall take place on the property except minor service activities that are performed at fuel pumps such as the adding of oil or similar lubricant or the adding of air to tires as a designated air pump.
- E. Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way. Where fuel pumps are situated under a canopy structure, applicable yard area setbacks for the underlying zoning district shall apply.
- F. No delivery tanker shall park within the public right-of-way during fuel delivery, nor shall any hose be permitted within the public right-of-way.
- G. All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from and directed away from any residentially-zoned property or property containing a residential use.
- H. All fuel storage facilities must comply with all state and federal regulations.
- I. Vehicular circulation at the fuel pumps shall be designed to provide adequate area between pumps to allow unimpeded travel between fuel dispensing islands when all fuel pumps are occupied. A minimum of two (2) cars (one at the fueling pump with one (1) stacked behind) must be accommodated from whichever direction(s) cars may queue to the pump area. Said stacking area shall not impede interior traffic circulation.
- J. Oil separators approved by the Township Engineer shall be provided for all storm drains on the lot that will receive stormwater runoff from the area of the fuel pumps.

K. The owners and operators of the fuel pumps shall maintain spill and hazard kits, safety equipment on pumps and underground storage tanks, emergency shut off valves/equipment, and oil separators within stormwater inlets to prevent contamination of the stormwater system. These items are subject to inspection by the Township or its authorized agents at any time.”

B. Article XIX Supplementary Regulations is hereby amended to add new Sections 1923 Convenience Store to read as follows:

“Section 1923 Convenience Store

Convenience Stores shall comply with all the following standards:

- A. The minimum lot area for a convenience store shall be two (2) acres.
- B. The minimum lot width shall be not less than two-hundred (200) feet along each street on which access is proposed.
- C. Access shall be setback at least forty (40) feet from the intersection of any street, measured from the right-of-way intersection.
- D. Entrances and exits shall be a minimum of 30 feet in width.
- E. There shall be no restriction on the hours of operation of the convenience store.
- F. Parking shall be provided in accordance with the requirements of Section 1711.
- G. To assure satisfactory management of the property and the mitigation of potential off-site impacts:
 - 1. Trash disposal shall be managed to prevent any problem of littering on or off the site. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use.
 - 2. Noise and lighting shall be controlled to avoid any impact on nearby residential properties.
 - 3. The buildings, parking area, access drives and fuel pump areas shall be adequately lit for safety purposes to the satisfaction of the Township Engineer.
 - 4. Outside loud speakers shall be audible only to persons in the immediate vicinity of the fueling positions.
- H. The sale of motor vehicle fuels in conjunction with a Convenience Store shall be considered a Fuel Dispensing Stations and shall be in conformance with Section 1924.

- C. Article XIX Supplementary Regulations is hereby amended to add new Sections 1924 Fuel Dispensing Station to read as follows:

“Section 1924 Fuel Dispensing Station

Fuel dispensing stations shall comply with the following standards:

- A. To be considered one principal use, the fuel dispensing station and the Convenience Store or Service Station must be operated by the same entity on a single lot.
- B. Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way. Where fuel pumps are situated under a canopy structure, applicable yard area setbacks for the underlying zoning district shall apply.
- C. No delivery tanker shall park within the public right-of-way during fuel delivery, nor shall any hose be permitted within the public right-of-way.
- D. All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from and directed away from any residentially-zoned property or property containing a residential use.
- E. The fuel pumps shall not be operational if the convenience store is closed.
- F. A maximum of sixteen (16) fueling positions shall be permitted for a Convenience Store. A maximum number of four (4) fueling positions shall be permitted for a Service Station.
- G. All fuel storage facilities must comply with all state and federal regulations.
- H. No automobile repair or service activities shall take place on the property with the exception of minor service activities such as adding oil or other lubricants at the fuel pumps or adding air to tires as a designated air pump
- I. Vehicular circulation at the fuel pumps shall be designed to provide adequate area between pumps to allow unimpeded travel between fuel dispensing islands when all fuel pumps are occupied. A minimum of two (2) cars (one at the fueling pump with one (1) stacked behind) must be accommodated from whichever direction(s) cars may queue to the pump area. Said stacking area shall not impede interior traffic circulation.

- J. Oil separators approved by the Township Engineer shall be provided for all storm drains on the lot that will receive stormwater runoff from the area of the fuel dispensing station.
- K. The owners and operators of the fuel pumps shall maintain spill and hazard kits, safety equipment on pumps and underground storage tanks, emergency shut off valves/equipment, and oil separators within stormwater inlets to prevent contamination of the stormwater system. These items are subject to inspection by the Township or its authorized agents at any time.”
- L. Parking shall be provided in accordance with the requirements of Section 1711.

D. Article XIX Supplementary Regulations is hereby amended to add new Section 1925 Service Station and Automotive Repair Facility to read as follows:

“Section 1925 Service Station and Automotive Repair Facility

Service Stations shall be in accordance with the following standards:

- A. The minimum lot width for a service station shall be not less than two-hundred (200) feet along each street on which access is proposed. For an Automotive Repair Facility, the lot width of the underlying district applies.
- B. Access shall be setback at least forty (40) feet from the intersection of any street, measured from the right-of-way intersection.
- C. Parking shall be provided in accordance with the requirements of Section 1711.
- D. All automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
- E. All automobile repair or service activities shall take place within a completely enclosed building.
- F. Vehicles waiting for repairs shall not be stored outdoors for more than ten (10) days. Junk vehicles may not be stored in the open at any time except where permitted as a junkyard which shall be considered a separate principal use regulated under the provisions of Section 1918.
- G. All automobile repair or service activities, except those performed at fuel pumps, shall take place within a completely enclosed building.

H. The sale of motor vehicle fuels in conjunction with a Service Station shall be considered a Fuel Dispensing Stations and shall be in conformance with Section 1924. The sale of motor vehicle fuels in conjunction with an Automotive Repair Facility is prohibited.”

SECTION 6: Repealer

Any and all ordinances or parts of ordinances are repealed to the extent but only to the extent that the same are inconsistent with the provisions of This Ordinance. Except as modified herein, the Hereford Township Zoning Ordinance Number 2009-04, include all other amending ordinances are hereby ratified, confirmed and readopted and shall remain in full force and effect.

SECTION 7: Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would not have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

SECTION 8: Effective Date

This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of

Hereford, Berks County, Pennsylvania in lawful session duly assembled this 18th day of September, 2018.

Attest:

Norann L. Warmkessel
Norann Warmkessel, Secretary

**BOARD OF SUPERVISORS OF
HEREFORD TOWNSHIP, BERKS
COUNTY, PENNSYLVANIA**

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