

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 219-08-16

AN ORDINANCE

AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE TO ESTABLISH A HEALTH CARE OVERLAY ZONING DISTRICT (HCO) AND PROVIDING FOR PURPOSES; APPLICABILITY AND GENERAL REQUIREMENTS; USES; DIMENSIONAL, AREA, COVERAGE, AND PARKING REQUIREMENTS; MINIMUM BUILDING AND PARKING STRUCTURE SETBACKS; BUFFER REQUIREMENTS; AND SIGNS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of Act 247 of 1968 (P.O. 805), Article VI, Section 601, et seq., as amended (53 P.S. 10601, et seq.), as follows:

SECTION 1: The Lower Nazareth Township Zoning Ordinance is hereby amended to add the following:

Article XXI

Health Care Overlay District (HCO)

2101. Purposes.

- A. To consolidate a broad range of resources that individually and collectively contribute to the promotion of wellness and enable the improvement and maximum recovery of health from physical and mental diseases, illnesses and injuries.
- B. To provide opportunities for educational advancement, learning, and research related to wellness and health.
- C. To create a logical transition between existing residential uses and health care uses that will protect and preserve the character of the surrounding residential neighborhood while permitting uses on the land within the HCO District as permitted hereby.

2102. Applicability and General Requirements.

- A. The HCO District shall authorize development of health care related facilities and other uses allowed in this Article in a Health Care Campus within the land areas designated to be within such district on the Township Zoning Map. The HCO District is an overlay zoning district to the underlying zoning district. When an applicant proposes development of a Health Care Campus under the HCO zoning, the provisions of the underlying zoning districts shall apply except where provisions of the HCO District differ from provisions of other sections of the Zoning Ordinance or other Township Ordinances regarding the same or a closely similar matter, in which case the provisions of the HCO District shall govern
- B. New principal buildings developed on a Health Care Campus shall be served by a public or central water system and public or central sanitary sewerage system, either by direct connection to such systems or by connection to existing campus water and/or sanitary sewerage systems, which systems are served by the public or central water and sewerage systems.
- C. At least two (2) accessways or driveways with a minimum width of twenty (20') feet each shall be provided, each from an arterial or collector street.

2103. Uses.

- A. The following uses shall be permitted by right in a Health Care Campus:
 - 1. Hospital – A use that involves the diagnosis, treatment or other medical care of humans that includes care requiring stays overnight and that may also include outpatient care. A medical care use that does not involve stays overnight shall be considered a “Medical Office or Clinic”. A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not include housing of the criminally insane nor primarily involve housing or treatment of persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professions. A hospital shall meet all relevant licensing requirements of the Commonwealth of Pennsylvania.
 - 2. Health Care Outpatient Facility – A medical facility, separate from or in conjunction with a hospital, which provides, on an outpatient basis, services such as medical testing, diagnostic testing, (including overnight diagnostic testing), and may include drawing and/or testing of laboratory specimens, urgent or express care, surgery, treatment, rehabilitation, alternative medicine, and/or other health care related services. A health care outpatient facility may include overnight stays by patients.

3. Health Care Education Facility – A (i) facility which provides education and/or research related to health care, health maintenance, wellness, dentistry and/or the business of health care, and (ii) a college, university or trade school affiliated with an accredited medical, dental or nursing school.
4. Health Care Office – Office uses may include offices for health care related professionals, administrative support offices for uses allowed in the HCO District, and offices and laboratories for drawing and testing of specimens, diagnosis, or health care research.
5. Wellness and Fitness Centers – Facilities that offer educational and/or interactive programs for health care, health maintenance, wellness, and/or other health-related subjects, and/or facilities that may include health spa, weight rooms, exercise rooms, exercise equipment, exercise pools, and/or other similar exercise club or fitness center facilities, and may offer rehabilitation, therapy, and/or health maintenance and physical performance related training programs.
6. Health Care Residential Facility – A hospice, nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility or similar living facilities, family lodging center, residence hall for students studying a health care field, accessory housing facilities for on-site medical staff, and hotel. A stand-alone nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility or similar living facility shall include an area of no less than seventy (70%) percent of the building footprint area, proximate to the building suitable and developed for passive recreation use such as walkways and benches.
7. Adult and Child Day Care Centers – Facilities intended to serve family members of patients, staff, physicians, students and visitors to the Health Care Campus as a priority but may also serve the public, subject to the conditions as set forth in the Definitions (Article II) and Specific Requirements for Adult Day Care and Day Care or Nursery School in Sections 1502 and 1503 of the Zoning Ordinance as applicable.
8. Health Care Commercial Facility and Uses – Facilities and/or uses such as the following: gift and card shops, flower and plant shops, sale of common health care-related items, personal care items, the sale of convenience items and/or novelties, sale of items for fundraising, sale of food and beverages, cafeterias/cafes/food courts/restaurants or similar uses, coffee shop, vendor carts or kiosks for the sale of items listed above, bookstore, pharmacies/drug stores, stores for medical devices, medical uniforms, clothing, apparel and

accessories, health food stores, convenience stores, florist, banks, financial institutions, automatic transaction machines, and personal care services such as barber shops or beautician shops, and laundry and/or dry cleaning as well as drive-through facilities for the above, or similar uses as approved by the Zoning Officer.

9. Health Care Accessory Facilities – Facilities that support health care uses in the HCO District, such as transportation related facilities (including for emergency transportation, such as, but not limited to, ambulances, transport vehicles and helicopters), heliports, fueling facilities, driveways, parking structures, parking lots and loading areas, buildings and facilities for utilities, maintenance, vehicle storage, equipment storage and other support services, communications towers and antennas, temporary mobile treatment units or treatment tents and/or emergency services trailers or similar facilities to be erected only for the duration required to serve the needs of an emergency or public health occurrence and/or for periodic training, as well as recreation trails and non-commercial recreation facilities, and utilities and stormwater management facilities. These uses shall be subject to the buffer and screening requirements as outlined in Section 1404.D.

B. Other health care-related facilities and/or uses in the HCO District for which the applicant demonstrates such facilities and/or uses are similar in use and impact to the facilities or uses permitted by right in the HCO District shall be approved by Conditional Use.

C. A building may include a single use or multiple uses as permitted above.

D. The noise and vibration limitations as included in sections of this Zoning Ordinance, or in other Township Ordinances shall not apply to vehicles and helicopters routinely used for emergency transportation, including when such emergency vehicles and helicopters are not transporting patients.

E. The provisions of Sections 1502 and 1503 with respect to open space, setbacks, and density shall not apply. Further, the requirements in Section 1502.A.3 with respect to heliports shall not apply to a heliport on a Health Care Campus that is routinely used for medical transport.

2104. Dimensional, Area, Coverage, and Parking Requirements.

A. Unless otherwise stated, all dimensional, area, coverage, and parking requirements shall apply to a Health Care Campus as a whole. A Health Care Campus may include contiguous land, and/or land separated only by a public or private street or utility

easement, developed in a coordinated manner with coordinated access onto public roads and with coordinated internal driveways. A Health Care Campus may then be subdivided into smaller ground leases, or through condominium ownership of offices or buildings. Individual buildings, uses, and interior lease areas shall not be subject to individual parking, area, bulk, and yard requirements. Multiple principal and accessory uses shall be permitted on a lot and/or within a building.

- B. Only land areas within the HCO District shall be used to meet the dimensional, area and coverage requirements for a Health Care Campus as permitted in this Ordinance.
- C. Minimum Tract Area: fifty (50) acres.
- D. Maximum Building Coverage: forty (40%) percent of the area of the Health Care Campus. Parking structures shall not be included in building coverage.
- E. Maximum Impervious Coverage: seventy (70%) percent of the area of the Health Care Campus.
- F. Maximum Building/Structure Height:
 - 1. The maximum height for buildings shall be seven (7) stories (not to exceed one hundred five (105') feet) for human occupancy on or above grade (mechanical components, building system penthouses, elevator towers or stair towers on the roof of any such structure shall not be subject to the seven (7) story/105 foot height limitations).
 - 2. Parking structures shall be limited to sixty (60') feet above grade (elevator towers and/or stair towers shall not be subject to the sixty (60') foot height limitation).
 - 3. The following additional height restrictions shall apply within two hundred (200') feet of a residentially zoned property in the Township or Palmer Township, Northampton County, Pennsylvania.
 - (a) Buildings shall be limited to three (3) stories (not to exceed forty-five (45') feet) for human occupancy on or above grade (mechanical components, building system penthouses, elevator towers or stair towers on the roof of any such structure shall not be subject to the three (3) story/45 foot height limitations).

(b) Parking structures shall be limited to thirty (30') feet above grade (elevator towers and/or stair towers shall not be subject to the thirty (30') foot height limitation).

4. The following additional height restrictions shall apply within three hundred (300') feet (but not less than two hundred (200') feet) of a residentially zoned property in the Township or Palmer Township, Northampton County, Pennsylvania.

(a) Buildings shall be limited to five (5) stories (not to exceed seventy-five (75') feet) for human occupancy on or above grade (mechanical components, building system penthouses, elevator towers or stair towers on the roof of any such structure shall not be subject to the five (5) story/75 foot height limitations).

(b) Parking structures shall be limited to thirty (30') feet above grade (elevator towers and/or stair towers shall not be subject to the thirty (30') foot height limitation).

G. **Minimum Yard Setbacks:** The following minimum setbacks shall be measured from the perimeter of the Health Care Campus. Distances between buildings shall be a minimum of thirty (30') feet or as required under the PA Uniform Construction Code, whichever is greater with the understanding that a connecting atrium, if any, shall not be subject to the thirty (30') foot setback requirement. Minimum yards shall not be required for individual lots or lease lots within a Health Care Campus, or from existing structures within a Health Care Campus. Required yard areas along public streets shall be maintained with vegetative cover except where crossed by drives, storm sewer outfall structures, pedestrian paths, bicycle paths, or walks or unless such area was previously approved for other purposes.

1. Abutting the right-of-way of a public street – twenty-five (25') feet.

2. Abutting any other perimeter lot line of the Health Care Campus, where a larger setback is not specified – twenty-five (25') feet.

2105. Minimum Building and Parking Structure Setback. Minimum building and parking structure setback from a residentially zoned property in the Township or Palmer Township, Northampton County, Pennsylvania – seventy-five (75') feet, this 75-foot setback shall not apply to residentially zoned property in the Township or Palmer Township, Northampton County, Pennsylvania owned by the owner of the Health Care Campus or an affiliate, the Township, a utility authority or a utility company.

2106. Buffer Requirements. Buffer yards shall be in accordance with Section 1404.D, except that a buffer yard and screen shall not be required if the abutting residentially zoned property in the Township or Palmer Township, Northampton County, Pennsylvania is owned by the owner of the Health Care Campus or an affiliate, the Township, a utility authority, or a utility company.

2107. Signs.

- A. Signs on a Health Care Campus shall be in accordance with Article XVIII Signs except as modified in this Section.
- B. Wall, banner, and window signs shall be permitted. Wall, banner, and window signs shall be limited as follows:
 - 1. Wall, banner and window signs that do not face an abutting residential district are limited in size, in the aggregate, to fifteen (15%) percent of the area of the face of building upon which such signs are placed with no one such sign being greater than five (5%) percent of the area of the face of the building upon which such sign is placed.
 - 2. Wall, banner, and window signs facing an abutting residential district are limited in size, in the aggregate, to ten (10%) percent of the area of the face of building upon which such signs are placed with no one such sign being greater than five (5%) percent of the area of the face of the building upon which such sign is placed.
 - 3. Wall, banner, and window signs shall be restricted in height only to the extent that the tops of such signs shall not be placed at an elevation higher than the highest part of the building, including stair towers, penthouses or roof mounted equipment screens upon which such signs are placed.
- C. Where a sign consists of individual letters or symbols or emblems attached to or painted directly on a building or window, other than an illuminated background that is part of the sign, the sign area shall be the smallest rectangle or circle, or two (2) or three (3) smallest rectangles or circles that include all of the letters and symbols.
- D. Up to two (2) freestanding identification signs of up to two hundred fifty (250) square feet each in area may be placed at each public or private street or entrance drive to a Health Care Campus. Such signs shall be limited to twenty (20') feet in height.
- E. Pole mounted flag or pennant signs made of fabric or fabric-like polymers shall be

permitted along the driveways, walkways, plazas and in parking lots in a Health Care Campus. Such flag or pennant signs shall be kept in good repair and shall be removed or replaced promptly if torn, tattered or faded. Pole mounted flag and pennant signs shall not exceed twenty-four (24) square feet in area, except that flag or pennant signs within one hundred (100') feet of a building entrance may be up to forty (40) square feet in area.

F. Signs displaying the donor names of buildings or structures (no more than one name per building) shall be permitted at a height no greater than the top of building or structure including stair towers, penthouses or roof mounted equipment screens. Such signs shall utilize letters no greater than thirty (30") inches in height and shall not be internally illuminated. These signs shall be in addition in area to signs permitted in Section 2107.B.

G. Signs used for on-site wayfinding within the Health Care Campus shall:

1. If ground mounted, be no higher than eleven (11') feet and forty (40) square feet in area per sign.
2. If pole mounted, be no higher than twenty-five (25') feet and sixty (60) square feet in area per sign.

SECTION 2: All Ordinances or portions thereof which are inconsistent with this Ordinance are hereby specifically repealed.

SECTION 3: If any section, subsection, paragraph, sentence, clause or portion of this Ordinance shall be declared to be invalid or unconstitutional by any Court of Record or of competent jurisdiction, then, in that event, the remaining portions of this Ordinance shall remain unaffected and in full force and effect.

ORDAINED AND ENACTED this 28 day of September, 2016.

LOWER NAZARETH TOWNSHIP

ATTEST:


TIMM A. TENGES, Secretary

BY: 
JAMES PENNINGTON, Chairman