

TEMPORARY STRUCTURE OR USE

Excerpted from the 2023 Lower Nazareth Township Zoning Ordinance, Article 6, Supplemental Regulations, Section 609, Temporary Structure or Use

§ 609 Temporary Structure or Use.

1. Temporary structures and/or uses are permitted subject to the issuance of a Temporary Zoning Permit as well as the following provisions:
 - A. **Statement from Owner.** As part of the permit application, the applicant shall present a statement from the owner of record of the land recognizing the application and accepting responsibility and liability to ensure that the use or structure is removed once the permit expires.
 - B. **Removal.** Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
 - C. **Bond.** The Zoning Officer may require that a bond or other acceptable form of security be posted by the applicant to ensure removal of the temporary use or structure. Such a bond shall be equal to 125 percent of the cost of removing the structure or use, as estimated by the Township Engineer.
 - D. **Compatibility.** The temporary use or structure shall be compatible with adjacent uses and not cause any undue adverse impact on surrounding properties.
 - E. **Hours and/or Days of Operation.** No temporary use shall be operated during any hours or on any days of the week except those that are designated by the Board of Supervisors, or the Zoning Officer as delegated, based on the nature of the temporary use and the surrounding existing uses on adjoining and adjacent properties.
 - F. No temporary structures shall be used as a dwelling.
 - G. **Additional Regulations for Specific Temporary Structures**
 - (1) **Non-habitable Tents.**
 - (a) The provisions of this section shall not apply to tents erected for five (5) days or less in any calendar year for 1) customarily accessory non-commercial uses and for 2) customarily accessory uses to an existing principal commercial use, where permitted by right.
 - (b) All non-habitable tents used for solicitation, including but not limited to tents for selling merchandise, are permitted only by special exception approval from the Zoning Hearing Board.
 - (c) Non-habitable tents shall not be erected within retail or shopping

center parking lots unless by special exception approval from the Zoning Hearing Board.

- (d) All tents must be placed outside of the ultimate right-of-way of any street and must be placed on a vegetated surface.
- (2) Temporary Structures Incidental to Development, including offices for real estate or construction personnel, equipment shed, or staging areas.
 - (a) Such structures may be permitted in any district when accessory to an active construction area.
 - (b) Such structures shall contain no sleeping accommodations or operable cooking facilities.
 - (c) Such structures shall be limited to a period not to exceed the duration of such construction project.
- (3) Portable storage units within a residential lot.
 - (a) There shall be no more than one (1) portable storage unit per lot.
 - (b) A portable storage unit shall be no larger than twelve (12) feet wide, sixteen (16) feet long and eight (8) feet high.
 - (c) No portable storage unit shall remain in a residential zoning district in excess of 30 consecutive days unless an extension of the applicable permit has been approved by the Township.
 - (d) No portable storage unit shall be permitted to be stored on the street and street right-of-way.

2. Additional Regulations for Specific Temporary Uses

- A. Special Events. If the special event will exceed the occupancy capacity, for which the principal structure and/or parking lot (as applicable) has been previously permitted, by twenty (20) percent, the applicant shall provide evidence of how sanitary and water service, traffic control, off-street parking and protection of the public health and safety shall be adequately addressed to the satisfaction of the Board of Supervisors prior to approval. Such a special event shall also comply with all applicable requirements of the Township's Outdoor Amusement Ordinance, as amended.
- B. Commercial Uses. A temporary use which clearly serve a primarily charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.

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Excerpted from the 2023 Lower Nazareth Township Zoning Ordinance, Article 12, Definitions, Section 1202, Terms Defined.

CONSTRUCTION TRAILER – A structure not attached to a permanent foundation used as temporary construction offices for a non-permanent period. A construction trailer shall not be considered a lawful dwelling unit.

STRUCTURE, TEMPORARY – Any piece of work or object not defined as a “Sign” that is readily movable and used or intended to be used for a non-permanent period of time. A temporary structure is not attached to a permanent foundation.