



# **LOWER NAZARETH TOWNSHIP**

**NORTHAMPTON COUNTY  
PENNSYLVANIA**

## **ZONING ORDINANCE**

**As Adopted by the  
Lower Nazareth Township  
Board of Supervisors**

**December 13, 2023**

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

**ORDINANCE NO. 246-12-23**

**LOWER NAZARETH TOWNSHIP ZONING ORDINANCE AND ZONING MAP**

**TITLE PAGE**

1. **TITLE.** An Ordinance dividing the Township of Lower Nazareth into districts, adopting a Zoning Map identifying those districts, and regulating the use of land and the location, use and density of buildings within these districts and providing for the administration and enforcement of this Ordinance. This Ordinance permits, prohibits, regulates, restricts and determines the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Ordinance contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance. Pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of the Township of Lower Nazareth does hereby ordain as follows:
2. **SHORT TITLE.** This Ordinance shall be known as and may be cited as the "Lower Nazareth Township Zoning Ordinance and Zoning Map."
3. **ENACTMENT.** Enacted and ordained into an Ordinance this 13 day of DECEMBER, 2023. This Ordinance shall become effective five (5) days after the enactment date.

**ATTEST:**

  
**TAMMI DRAVECZ, Secretary**

**TOWNSHIP OF LOWER NAZARETH**

**BY:**

  
**JAMES PENNINGTON, Chairman**

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**ATTACHMENTS:**

- Official Zoning Map Exhibit 1 of 2 – Base Zoning Districts
- Official Zoning Map Exhibit 2 of 2 – Zoning Overlays
- Official Circulation Plan
- QuickViews (QV 1-11)
- Appendix 1: Signage
- Table D: Parking

**ARTICLE I  
GENERAL PROVISIONS AND ADMINISTRATION**

**§ 101 Purpose and Objectives.**

1. This Ordinance is hereby adopted in accordance with:
  - A. The requirements of the Pennsylvania Municipalities Planning Code, as amended,
  - B. The objectives and overall program of the Nazareth Area Multi-Municipal Comprehensive Plan (as may be amended),
  - C. With consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, and
  - D. All amendments to this Ordinance that may hereafter be adopted. All readers maintain the responsibility to procure the latest amendments to this Ordinance.
2. This Ordinance is also designed:
  - A. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements,
  - B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers,
  - C. To preserve agricultural land and to protect environmentally sensitive areas considering topography, soil type and classification and present use, and
  - D. To provide a diverse set of housing opportunities in appropriate locations for all income, demographic, and age groups.
  - E. To assist in carrying out the goals and intent of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act. PA Stormwater Management Act, PA. Dept. of Environmental Protection regulations on erosion and sedimentation control, PA. Dept. of Transportation regulations on highway access control, and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.

**§ 102 Application**

1. No building, structure or land shall be used, subdivided, occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance.
2. This Ordinance regulates:
  - A. The location, height, bulk and size of buildings and other structures,
  - B. The relation of such buildings or structures to roads and highways, their intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places, and to floodplains,

- C. Areas and dimensions of land and bodies of water to be occupied by uses and structures; the percentage of a lot that may be occupied, the size and use of yards, courts and other open spaces,
- D. The density and distribution of population and intensity of use, and
- E. The uses of land, buildings and structures for residents, trade, industry and other purposes.

**§ 103 Public Utility Exemptions.**

See Section 619 of the Municipalities Planning Code.

**§ 104 Township and Municipal Authority Exemption.**

The requirements of this Ordinance shall not apply to uses or structures owned by Lower Nazareth Township or for municipal authorities created solely by Lower Nazareth Township, for uses and structures that are intended for a legitimate governmental or public health and safety purpose.

**§ 105 Interpretation.**

1. **Minimum Requirements.** The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the public health, safety, and general welfare. Where a provision of this Ordinance differs or conflicts with any other provision of this Ordinance or a provision of any other ordinance or regulation or law, the more restrictive restriction upon uses and structures shall apply.
2. **Uses Not Specifically Regulated.** Whenever a use clearly is not permitted by right, by condition, or by special exception by this Ordinance anywhere in Lower Nazareth Township or by the Zoning Ordinance applicable to land within the Chapman Borough Zoning Ordinance, as in effect, or by the Zoning Ordinance applicable to land within the Upper Nazareth Township Ordinance, as in effect, the use is prohibited in the Township, except that the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such a use if the applicant proves the following to the satisfaction of the Zoning Hearing Board:
  - A. That the use would clearly be less offensive in impacts and nuisances than uses permitted in that district,
  - B. That the use would be compatible with permitted uses in that District,
  - C. That the proposed use would be compatible with the intent of the district,
  - D. That the use can meet the general criteria listed in Section 118.4. entitled "Standards for Decisions," and
  - E. That the use is not "specifically prohibited" in the District, in Chapman Borough, and/or Upper Nazareth Township.
3. **Sketches.** Sketches in this Ordinance are for illustrative purposes only and are not regulatory.
4. **Interpretation of Ordinance Text and Boundaries.** The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. In the case of uncertainty by the Zoning Officer, he/she shall request an interpretation of his/her



specific uncertainty by the Zoning Hearing Board, with the applicant not liable for the application fee for that particular request. The Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor. See Section 111 and the Township fee schedule concerning appeals by an applicant.

5. Definitions. Words not specifically defined by this Ordinance shall be clarified through acceptance by the Zoning Hearing Board of definitions in standard reference dictionaries, recognized legal references and previous interpretations of the Board and courts of the Commonwealth.

**§ 106 Severability.**

1. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
2. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

**§ 107 Repealer.**

1. All other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed but not including the repeal of any ordinances or amendments specifically referenced by this Ordinance and not including the repeal of the Lower Nazareth Township Floodplain Zoning Ordinance, as amended.

**§ 108 General Procedure for Permits.**

1. Persons desiring to undertake activities regulated by this Ordinance shall apply to the Township Zoning Officer for a permit under this Ordinance by 1) filling out the appropriate application form, 2) by submitting the required fee at such time and 3) by submitting any additional required information (such as a site plan) as required by the Zoning Officer.
2. The Zoning Officer shall either issue the permit under this Ordinance or shall refuse the Permit, indicating the reason for refusal. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing.
3. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission.
4. If refused a permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration. After the permit under this Ordinance has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance, within other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this appeal period shall be at the risk of the applicant.
5. A use and occupancy Permit shall only be issued if the use is in compliance with this

Ordinance.

**§ 109 Permits and Certificates.**

1. Permits and Applicability.

A. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.

- (1) Erection, construction, movement, placement or extension of a structure, building, sign, or parking area.
- (2) Change of the type of use or expansion of the use of a structure or area.
- (3) Creation of a lot or alteration of existing lot.
- (4) Grading or earthmoving activities.
- (5) Creation of a new use.

B. Types of Permits. The following types of Permits are required for the following situations:

- (1) Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff. A Zoning Permit is required to be issued prior to the start of any of the following activities:
  - (a) Erection, construction, movement, placement or expansion of a structure, building or sign,
  - (b) Change of the type of use or expansion of the use of a structure or area of land,
  - (c) Creation of a new use,
  - (d) Grading,
  - (e) Demolition of a structure, and/or
  - (f) Development or grading within the 100 Year Floodplain as stated in the Township Floodplain Ordinance.
- (2) Building Permit. A Building Permit is required by the Township to authorize construction. The Permit indicates that the work complies with Township Ordinances to the best knowledge of the applicable Township Staff. No person shall perform construction operations of any kind unless a Building Permit is conspicuously displayed on the premises. An applicant is required to obtain a Building Permit prior to starting any of the following activities:
  - (a) Erection, construction, reconstruction, movement, placement or extension of a structure or wall or freestanding sign,
  - (b) Placement of an underground bulk fuel storage tank,
  - (c) Such other activities specified as needing a Building Permit the PA Uniform Construction Code or by any other applicable Township ordinance.
- (3) Use and Occupancy Permit (also known as "Certificate of Occupancy" or

"Occupancy Permit"). A Use and Occupancy Permit is required upon completion of the construction or expansion of a principal building, construction and installation of an Accessory Swimming Pool, creation of a new use, any accessory structure over 500 sq. ft. or change in use of a structure or land. This Permit indicates, to the best knowledge of the applicable Township Staff that the premises comply with the provisions of all Township Ordinances. A Use and Occupancy Permit shall not be required for a simple change from one occupant to another, provided that the general type of use does not change,

- (a) The Zoning Officer may issue a Temporary Use and Occupancy Permit for a period not exceeding 6 months to allow for partial occupancy of a building pending its completion.
  - (4) Driveway Permit. A Township Driveway Permit is required for new driveways, resurfacing of existing driveways and work within a right-of-way of a Township-owned street. See PennDOT requirements to determine if a highway occupancy permit is needed for work within the right-of-way of a State-owned street.
  - (5) Grading Permit. A Township Grading Permit is required for any grading or earthmoving which takes place within the Township. A Grading Permit will not be required for new residential or commercial structures if a site plan showing all proposed grading work is submitted to the township for review at the time of permit application. Erosion and sediment controls must be shown on all grading plans. The Zoning Administrator may require the grading plan to be reviewed by the Northampton County Conservation District or successors and the Township Engineer.
  - (6) Format of Permits. All applications for Township Permits shall be submitted to the designated Township staff-person. The Zoning Officer shall have the option, as an administrative matter, to determine the format of each type of permit and application. For example, the Township may establish for different types of activities:
    - (a) That Zoning Permits, Building Permits, Driveway, Grading, and Use and Occupancy Permit and forms shall be separate from each other, and/or
    - (b) That each applicable portion(s) of a combined Zoning Permit, Building Permit, Driveway, Grading and/or Use and Occupancy Permit form shall serve for the purposes of this ordinance as the Zoning Permit, Building Permit, Driveway, Grading, and Use and Occupancy Permit, respectively.
2. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not infringe upon a required setback may be made without a permit under this Ordinance. However, such work may require a permit under the Township Building Code.
- A. Types of Uses.
- (1) The Zoning Officer shall issue a Permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.

- (2) Permitted By Right Use with Additional Requirements. A Permit under this Ordinance for this type of use shall be issued by the Zoning Officer, provided that the Zoning Officer determines that the use meets all Township requirements, including any specific additional requirements listed for that use in this Chapter.
- (3) Special Exception or Variances. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- (4) Conditional Use. A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors following a review by the Planning Commission.

B. Application.

- (1) Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the Township. Such completed application, with any required fees, shall be submitted to a Township employee responsible for processing such a permit. The applicant is responsible to ensure that such an application is stamped by the responsible Township employee with the date of the official receipt.
- (2) One (1) copy of a site plan and one (1) structural floor plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land shall be required, unless the Zoning Officer determines that such a plan is unnecessary for determination of whether the proposal complies with this Ordinance. The Zoning Officer or the Zoning Hearing Board may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its compliance with this Ordinance. See also the Site Plan Review requirements of Section 122, if applicable.
- (3) Other Laws. The Zoning Officer may withhold issuance of a permit under this ordinance if there is clear knowledge by him or her that such a use would violate another Township, State or Federal law or regulation.
- (4) The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission or Township Engineer) for review and comment.
- (5) Ownership. No person other than a landowner or his specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning appeal and Permit application.

C. Issuance of Permit.

- (1) One copy of any permit required under this ordinance shall be kept conspicuously on the premises during completion of the work. Any Building Permit or Commercial Occupancy Permit shall be conspicuously displayed on the premises.
- (2) After the issuance of a Permit under this Ordinance by the Zoning Officer, no changes of any kind shall be made to a zoning application without the written consent of the Zoning Officer and/or the Zoning Hearing Board, as applicable.

- (3) Penn DOT Permit. Where necessary for access onto a State-owned road, neither a Township building permit nor a Township occupancy permit shall be issued unless a required PennDOT Highway Occupancy Permit has been issued.
- (4) Department of Agriculture and Pennsylvania Department of Environmental Protection. Prior to the issuance of permit, the Township may require a building permit that an applicant receive approval from the above agencies. Any required inspection by these agencies is intended to occur prior to or at the same time as issuance of a Township Use and Occupancy Permit.

D. Revocation of Permits; Appeal of Permit or Approval

- (1) The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.),
  - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance or by the Board of Supervisors upon a conditional use,
  - (c) Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application,
  - (d) For any other just cause set forth in this Ordinance, and/or
  - (e) For violation of any applicable Township Building Code, Township Floodplain Ordinance or Subdivision and Land Development Ordinance.
- (2) Appeals. A party with legitimate standing, or as otherwise provided by the PA. Municipalities Planning Code, may appeal decisions under this Ordinance within the provisions of the PA Municipalities Planning Code. These appeals include but are not limited to: a) appeal of a decision regarding the issuance of a permit by the Zoning Officer to the Zoning Hearing Board, or b) appeal of a conditional use or special exception use or variance decision to the County Court of Common Pleas. Any such appeal shall occur within the time period established in Sections 914.1 and 1002.A. (or their successor sections) of the PA. Municipalities Planning Code, as amended.

E. Temporary Zoning Permit. See Section 609.

3. Certificate of Nonconforming Use or Structure.

- A. The Zoning Officer may, but is not required to, identify and register nonconforming uses and structures.

- B. The owner of a lawful nonconforming structure or the premises occupied or formerly occupied by a lawful nonconforming use may secure a Certificate of Nonconforming Use or Structure from the Zoning Officer. Such Certificate shall state that land or a structure is legally nonconforming, to the best knowledge of the Zoning Officer.

**§ 110 Zoning Officer.**

- 1. Appointment.
  - A. The Zoning Officer and any Assistant Zoning Officer(s) shall be appointed by the Board of Supervisors and shall not hold any elective office within the Township.
  - B. The Zoning Officer or staff shall continue to serve the Township until such time as the Board of Supervisors declares otherwise.
- 2. Duties and Powers
  - A. The Zoning Officer or Assistant Zoning Officer(s) shall:
    - (1) Administer the Zoning Ordinance in accordance with its literal terms,
    - (2) Seek to identify and register nonconforming uses and nonconforming structures,
    - (3) Receive and examine all applications required under the terms of this Ordinance,
    - (4) Issue or refuse permits within this Ordinance,
    - (5) Receive complaints of violation of this Ordinance,
    - (6) Issue a written notice of violation to any person violating any provision of this Ordinance,
    - (7) Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued, and
    - (8) make all required inspections and perform all other duties as called for in this Ordinance.
- 3. The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance, or all other Ordinances of the Township.

**§ 111 Zoning Hearing Board and Variances.**

- 1. Appointment
  - A. The Zoning Hearing Board shall be continued and shall consist of 3 residents and up to 3 alternates of the Township appointed by the Board of Supervisors.
  - B. Board members shall serve terms of 3 years, so fixed that the term of office of no more than one member expires each year. Alternate members shall serve a term of 3 years.
  - C. Members of the Board shall hold no other office in the Township.
- 2. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 3. Removal of Members. See Section 905 of the PA Municipalities Planning Code.

4. Organization

- A. Officers. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
- B. Quorum. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the Board, except for the following:
  - (1) Hearing Officer. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the Municipalities Planning Code.
- C. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

5. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:

A. Appeal of a Decision by the Zoning Officer.

- (1) The Board shall hear and decide appeals where it is alleged by the appellant (the landowner affected, any office or agency of the Township, or any person aggrieved) that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any valid provision of this Ordinance or any valid rule or regulation governing the action of the Zoning Officer.
- (2) All appeals which allege that the Zoning Officer has made an error shall be filed directly with the Township Secretary at the Township Building within thirty (30) days of the Zoning Officer's alleged error unless a different time limitation is provided under State law. This time limitation shall not apply to provisions for the revocation of a permit under Section 109.2.D.
- (3) Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of the Ordinance on which the appeal is based.

B. Challenge to the Validity of the Ordinance or Map.

- (1) The Board shall hear challenges to the validity of this Ordinance filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.
- (2) After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the Municipalities Planning Code as amended.

C. Variance.

- (1) The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
- (2) The Board may grant a variance only within the limitations of State law. The Municipalities Planning Code, as amended, provides that all of the following findings must be made, where relevant:

- (a) 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 this Ordinance in the neighborhood or district in which the property is located;
  - (b) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance therefore necessary to enable the reasonable use of the property;
  - (c) Such unnecessary hardship has not been created by the applicant;
  - (d) 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
  - (e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

D. Special Exception.

- (1) The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance.
- (2) In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

E. Hearings. The Board shall conduct hearings and make decisions in accordance with Section 112 and the Municipalities Planning Code.

F. Records and Reports. The Board shall keep full public records of its business and should submit an annual report of its activities to the Board of Supervisors.

G. Court Appeals.

- (1) In the case of an appeal from the Board to the Court of Common Pleas, the Appellant shall make the return required by law, and should promptly notify the Township Zoning Hearing Board Solicitor of such appeal.
- (2) Any decision of the Board not appealed within 30 days after notice thereof shall be final, except as may be permitted under State law.

6. Applications to the Zoning Hearing Board

A. All appeals from a decision of the Zoning Officer and applications to the Board shall be in



writing on forms provided by the Township. The applicant is responsible to identify sections of the Ordinance that apply.

- B. Every appeal or application shall include the following and be submitted with the number of copies as required by the Township (which may include the original):
- (1) The name and address of the applicant, or appellant;
  - (2) The name and address of the owner of the property to be affected by such proposed change or appeal (if not the same as above);
  - (3) A brief description and location of the property to be affected by such proposed change or appeal;
  - (4) A statement of the present zoning classification, existing structures and proposed use of the property in question;
  - (5) A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
  - (6) Copies of a plot plan of the property to be affected, indicating the location and size of the lot and the size and location of existing and intended improvements;
  - (7) Any detailed site plan if required for identified land uses.
  - (8) All other information listed on the official Township application form.
  - (9) Information as deemed necessary by the zoning officer to assure compliance with all Township Ordinances.
- C. Submissions to the Planning Commission shall not occur until any needed variances and/or special exception approvals have been granted.

7. Time Limitations: Persons Aggrieved.

- A. The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:
- (1) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he/she had no notice for which notice legally was required to have been sent, knowledge, or reason to believe that such approval had been given.
  - (2) If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of this Ordinance or Zoning Map pursuant to the Municipalities Planning Code as amended shall preclude an appeal except in the case where the final submission substantially deviates from the approved tentative approval.

8. Stay of Proceedings. See the Municipalities Planning Code as amended.
9. Time Limitations on Permits and Variances.
  - A. If the variance is granted or the issuance of a Permit is approved, or other action by the appellant is authorized, the necessary Permit shall be secured by the applicant within nine (9) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be begun within twelve (12) months of the issuance of the Permit.
  - B. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this ordinance within the nine (9) month period, the twelve (12) month requirement of this subsection shall begin after such site plan review is completed or approval is granted, as applicable, by the Township. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend the nine (9) month application period to eighteen (18) months.
  - C. Should the appellant or applicant fail to obtain the necessary permits within the above time month period, or having obtained the permit should he/she fail to diligently commence substantial construction (as defined by the Township Building Code) there under within such time period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits granted to him by the Board and/or Township staff shall be deemed automatically rescinded.
  - D. The work authorized by the Building and Zoning Permits shall begin within 180 days of issuance of the permit. Completion of the work prescribed under the permit shall be completed within twelve (12) months after the beginning of construction of such building. Upon written request to the Zoning Administrator, this may be extended to eighteen (18) months by the Zoning Administrator upon just cause, If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than forty-five (45) days (or up to 180 days upon approval of a written request for extension by the Zoning Administrator upon just cause), the Zoning Administrator may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void. The Permittee must then re-apply for a new permit and pay all fees at the current fee schedule at the time of application as required by Lower Nazareth Township.

### **§ 112 Hearings.**

The Board shall conduct hearings and make decisions in accordance with the following:

1. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
  - A. Public notice shall be published, as defined by Section 107 of the Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

- B. Notice of such hearing shall be conspicuously posted on the affected tract of land at least two weeks prior to the hearing or as otherwise stipulated by the Municipalities Planning Code. It is the responsibility of the applicant to ensure that such notice is posted and remains posted until after the hearing date.
  - C. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Commission, the Board of Supervisors and the owners of record of property abutting or within 300 feet of the lot lines of the subject property. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered by a Township representative to the last address known to the Township. Such notice should be intended to be received at least 5 days prior to the hearing date.
    - (1) In any matter which relates to a property which lies within 300 feet of the boundary of another municipality, except boundaries separated by a non-intermittent river, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing on such matters at least seven (7) days prior to the hearing date.
    - (2) The other municipality shall have the right to appear and to be heard at the public hearing.
  - D. The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by the Applicant for any notice required by this Ordinance and by persons requesting any notice not required by Ordinance.
2. Parties
- A. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
  - B. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
3. Oaths and Subpoenas. The chairperson of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
4. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.
5. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
6. Record. The Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings as required by State law.

7. Ex Parte Communications.

- A. The Board shall not communicate, directly or indirectly, with any party or its representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate.
- B. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, except for advice from the Board's solicitor.
- C. After the commencement of hearings, the Board shall not inspect the site or its surroundings with any party or its representative, unless all parties are given an opportunity to be present.

8. Advisory Review by the Planning Commission. The Planning Commission may, at their option, provide an advisory review of any appeal or application to the Zoning Hearing Board. The Zoning Hearing Board may request an advisory review from the Planning Commission.

9. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing unless the applicant has agreed in writing to an extension of time. No request for a hearing by an applicant shall be accepted prior to submission of a duly filed application.

10. Decision/Findings.

- A. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within 45 days after the last hearing before the Board, unless the applicant has agreed in writing to an extension of time.
- B. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.
- C. Any conclusion based on any provision of the Municipalities Planning Code or of this Ordinance, or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

11. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be delivered to the applicant personally or mailed to the applicant as required by the Municipalities Planning Code as amended.

**§ 113 Appeals.**

- 1. In General. All appeals for securing review of this Ordinance or any decision, determination or order of the Board of Supervisors, its agencies or officers issued pursuant to this Ordinance, shall be in conformance with Article X-A of the Municipalities Planning Code.
- 2. Procedural Defects in Enactment Questions of an alleged defect in the process of enactment or adoption of this Ordinance shall be raised by an appeal taken directly from the action of the Board of Supervisors to the court filed not later than sixty (60) days from the intended effective date of the Ordinance or map.

3. To the Zoning Hearing Board. Appeals to the Board shall comply with Section 112, "Hearings."

**§ 114 Amendments.**

1. The Township may, on its own motion or upon petition of any person or entity, amend, supplement, change, modify, or repeal this Ordinance.
2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice.
3. Planning Commission. In the case of an amendment other than that prepared by or under the direction of the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission in accordance with the PA Municipalities Planning Code and permit the Commission an opportunity to submit recommendations.
4. Lehigh Valley Planning Commission (LVPC) Review.
  - A. Unless otherwise in accordance with the PA Municipalities Planning Code, the Board of Supervisors or Planning Commission shall submit the proposed amendment to the LVPC for recommendations at least thirty (30) days prior to the hearing on such proposed amendment.
  - B. Unless otherwise in accordance with the PA Municipalities Planning Code, no action shall be taken by the Board of Supervisors until any LVPC comments are received, unless thirty (30) days pass without such comments being received.
5. Changes After a Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include or exclude land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
6. Application for Amendment.
  - A. Any request for amendment of the Zoning Ordinance (including supplement, change or repeal) by any person or entity (other than the Township Staff, Planning Commission, Board of Supervisors or committee appointed by the Board of Supervisors or under the direct oversight of such entity) shall include the following:
    - (1) A statement of why the change would be in the best interests of the Township;
    - (2) A statement of how the proposal will relate to the Township Comprehensive Plan;
    - (3) A statement addressing any adverse effects on adjacent residences;
    - (4) A statement addressing any major traffic access or congestion concerns;
    - (5) A map showing the proposed boundaries of any proposed map changes, the existing and adjacent zoning and adjacent land uses;
    - (6) A statement explaining proposed extensions and major improvements needed of public water and sewer systems to serve the land area; and
    - (7) Any other relevant lot-specific information as identified by the Township.
  - B. Fees. See the Township Fee Schedule.

7. Traffic Impact Report. The Planning Commission or the Board of Supervisors may require an applicant for a zoning amendment to fund a traffic impact study within the requirements of Section 626. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases of the proposed amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development.
8. Notification of Proposed Zoning Map Amendment. At least ten (10) days prior to a hearing for a proposed change in a boundary or district on the official Zoning Map, the applicant shall send or have delivered in person written notice of the proposed change and the hearing date to all owners of directly abutting property and all owners of land proposed to be affected. This requirement for notice shall not apply to a proposed amendment to the Zoning Map that was developed by or under the Oversight of the Planning Commission, Board of Supervisors Township staff or a committee or commission appointed by the Board of Supervisors.

**§ 115 Curative Amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code.
2. For a curative amendment request, the applicant shall pay to the Township all fees required under the applicable Township fee schedule.
3. The procedures for a Curative Amendment shall follow those outlined in the MPC.

**§ 116 Filing Fees and Costs.**

1. The Board of Supervisors has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance.
2. No application shall be considered filed until all fees are paid.
3. This fee schedule may be based upon the type of application and the breadth of the proposed development including acreage, numbers of lots and type of use, etc., to most accurately reflect the Township's actual costs.

**§ 117 Enforcement: Violations and Penalties: Remedy.**

1. See Sections 616 and 617 of the Municipalities Planning Code as amended. The period of time available for the recipient of an enforcement notice to appeal such notice to the Zoning Hearing Board is fifteen (15) days unless otherwise stipulated by the MPC.

**§ 118 Conditional Use Process.**

1. Purpose. Before a Permit is granted for any use listed as a conditional use in this Ordinance, a Site Plan shall be reviewed by the Planning Commission and approved by the Township Board of Supervisors. This procedure is provided because of the considerable impact that these uses tend to have on a community.
2. Procedure.

- A. Zoning Approval.
  - (1) The applicant shall make all reasonable efforts to ensure that a proposed use will be allowable under this Zoning Ordinance prior to a submission to the Planning Commission for a formal conditional use review.
  - (2) This submission to the Planning Commission shall not occur until any needed zoning variances or special exception approval is received.
  - (3) The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.
- B. Submission. Complete copies, in the quantity required by the Township, of any required site plan meeting the requirements of Section 122 shall be submitted to the Township. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.
- C. Effect. A conditional use approval by itself shall not relieve the applicant of any obligation under a Township Ordinance nor constitute a recommendation for a zoning variance.
- D. Distribution. The Township shall distribute the copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of 1 copy shall be retained in the Township files. The Township Fire Services should be given an opportunity for a review of the application and site plan.
- E. Zoning Officer Review. The Zoning Officer or his designee shall report in writing or in person to the Planning Commission or Board of Supervisors stating whether the proposal complies with this Ordinance. The Township staff, Planning Commission or Board of Supervisors may request a review by the Township Engineer.
- F. Planning Commission. The Planning Commission shall review the conditional use application and submit a recommendation to the Board of Supervisors prior to action of the Board of Supervisors.
- G. The Board of Supervisors shall not act to approve or deny a conditional use application until they have received the reports of the Zoning Officer and the Planning Commission, unless a period of 60 days has passed from the date of the application.
- H. The Board of Supervisors shall review the submission for the proposed use and approve or disapprove the application within 60 days from the date of the applicant's request for a hearing unless the applicant has agreed to an extended review period. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
- I. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address. This should occur not later than 15 days following the decision.
- J. Subdivision and Land Developments. A conditional use review may and should be coordinated with any and all subdivision and land development reviews.

3. Approval of Conditional Uses.

- A. The Township Supervisors shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:
  - (1) All of the standards listed in Section 118.4.
  - (2) Any specific standards for the proposed use listed.
  - (3) All other applicable sections of this Ordinance.
  - (4) Be capable of meeting all applicable sections of the Subdivision and Land Development Ordinance and all other applicable Township Ordinances.
- B. In granting a conditional use, the Board of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance.

4. Standard for Decisions. Each conditional or special exception use shall comply with all of the following standards:

- A. Other Laws. Not clearly in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.
- B. Comprehensive Plan. Not significantly incompatible with the adopted Comprehensive Plan, as amended.
- C. Traffic. Will not result in or significantly create a substantial traffic hazard or significant traffic congestion based upon the results of analyses as required by the Township Traffic Management Overlay.
- D. Safety. Will not create a public safety hazard, including fire, toxic or explosive hazards.
- E. Storm Water Management. Will follow adequate and professionally accepted engineering methods to manage storm water. This shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management by the Board of Supervisors under another Township Ordinance.
- F. Neighborhood. Will not negatively affect the desirable character of an existing residential neighborhood.
- G. Design. Will involve adequate site design methods, including screening, setbacks and traffic control, to avoid significant negative influences on adjacent uses; line of sight profiles shall be provided for any use which abuts a residential property.
- H. Performance Standards. Will not have a serious threat of future inability to comply with the performance standards of this Ordinance, as stated in Article XVI.

**§ 119 Special Exception Use Process.**

- 1. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.



2. Procedure

- A. The Zoning Officer shall not grant a permit for a proposed special exception use until written approval of the Zoning Hearing Board is obtained.
- B. All applicants for a special exception use shall submit the required number of sets of Site Plans for the proposed use to the Secretary to the Zoning Hearing Board as part of the application for a Permit under this Ordinance. This may be waived by the Zoning Officer for non-intensive home occupations and other uses not involving new construction nor additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
- C. All Site Plans shall contain the information required by this Chapter.
- D. The Township shall forward the application to the Zoning Hearing Board and its solicitor. A minimum of one (1) copy shall be retained in the Township files.
- E. The Zoning Officer shall prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
- F. The Board shall not decide the case without reviewing any reports received from the Zoning Officer and Planning Commission. If the Zoning Officer and Planning Commission do not submit written reports, the Board may still hold the hearing and decide the request.
- G. The Planning Commission may, at their option if they determine there will be substantial impacts on the community, review a proposed special exception use and submit an advisory recommendation to the Zoning Hearing Board. The intent of this section is to allow an additional review for proposed uses that would have Township-wide effects.
- H. A site plan review by the Planning Commission and the Board of Supervisors may also be required. See Section 122.
- I. Any granting of a special exception shall not relieve the applicant of any other requirements of this Ordinance.

3. Approval of Special Exception Uses.

- A. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:
    - (1) All of the standards listed in Section 118.D.
    - (2) All of the specific standards for the proposed use listed.
    - (3) All other applicable requirements of this Ordinance.
  - B. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance.
4. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of any permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

**§ 120 Liability.**

1. Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, Permit under this ordinance, erosion review, storm water runoff review, steep slope review or any other review or Permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official nor employee for any damage that may result pursuant thereto. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such Permit for valid cause shown.

**§ 121 Nonconformities.**

1. Registration of Nonconformities. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may register a nonconformity with the Zoning Officer.
2. Continuation. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued, maintained, improved and repaired, provided it conforms to this section and other applicable ordinances of the Township (except as provided for in this Chapter).
3. Alteration or Expansion of Nonconformities.
  - A. Nonconforming Structure.
    - (1) A nonconforming structure may be altered, reconstructed or enlarged provided:
      - (a) that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure, and
      - (b) that the expansion would comply with setbacks normally required for a permitted use in that District.
    - (2) In the case of a nonconforming structure which is used by a nonconforming use, any expansion or enlargement shall also meet the requirements of Section 121.3.C.3.
  - B. Nonconforming Lots.
    - (1) Permitted structures and uses may be constructed or expanded on a non-conforming lot of record only in compliance with the following requirements:
      - (a) Lawfully Existing. A use may only be developed on a non-conforming lot if it is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
      - (b) Setbacks. Yard setbacks and other requirements of this Ordinance shall be complied with unless a variance is granted by the Zoning Hearing Board, or unless the Zoning Hearing Board allows construction under the following waiver: a) In a residential district, minimum yard setbacks may be reduced

to a minimum of 75 percent of what would normally be required if the lot is deemed adequate for building under this section and if the Zoning Hearing Board determines that such reduction would result in the construction of a single family detached dwelling that would be more compatible with the character of adjacent residential areas than if the yard requirement was not reduced.

- (c) Only one principal use and its customary accessory uses that are permitted by right in that District may be developed on a nonconforming lot.
  - (d) In no case shall a variance be granted for the development of a principal building on a nonconforming lot with minimum lot area of less than 5,000 square feet or a minimum lot width at the minimum building setback line of less than 45 feet.
  - (e) For any variance or special exception request under this Section, the Zoning Hearing Board shall consider if any reasonable use could be made of the property other than a proposed use that would less significantly adversely affect the established character of an existing residential neighborhood.
  - (f) The nonconformity shall not have been self-created.
  - (g) Contiguous nonconforming lots under common or closely related ownership shall be considered one lot.
  - (h) Any lot proposed to use an on-lot septic system shall meet all D.E.P requirements, plus shall have sufficient open area that would also meet D.E.P requirements for a second drainfield, for use in case the first drainfield fails.
- C. Expansion of A Nonconforming Use. A nonconforming use or a building used by a nonconforming use shall not be expanded or enlarged, except in accordance with the following provisions:
- (1) Such expansion or enlargement shall be permitted only by special exception from the Zoning Hearing Board under the provisions of Article I.
  - (2) Such alteration, reconstruction, extension or enlargement shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
  - (3) A nonconforming use shall not be increased in total floor area of buildings, total area covered by impervious surfaces or total number of dwelling units by greater than 50 percent beyond each such measurement that existed in such use at the time such use becomes nonconforming. Whichever of these limitations is most restrictive shall apply. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
  - (4) Any expansion of a nonconforming use shall meet the required setbacks unless a variance is granted by the Zoning Hearing Board.
  - (5) In a residential district, as a minimum, a nonconforming use proposed to expand shall meet the setback requirements that would otherwise apply to a single-family

detached dwelling, unless the Zoning Hearing Board determines that larger setbacks are justified. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of non-conformities are created and d) a nonconformity is not made more severe (including the building area within the required setback area).

4. Damaged or Destroyed Nonconformities.

- A. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within six (6) months after the date of damage or destruction, and work begins in earnest within twelve (12) months afterwards. A nonconformity may not be increased by any reconstruction.
- B. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented to and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

5. Ownership. Whenever a nonconforming use, structure or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, within the requirements of this Ordinance.

6. Abandonment of a Nonconformity.

- A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 months, except as otherwise provided for in Section 121, subsequent use of such building or land shall conform with the regulations of the district in which it is located.
- B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned. Abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use cease. Such efforts shall be limited to the following:
  - (1) for a residential use, actual habitation of the premises,
  - (2) for a business use, actual conduct of business on the premises,
  - (3) active attempts to sell the property for such a use or to formally apply for financing for such a use,
  - (4) actual purchase of a property for such a use,
  - (5) substantial financial and/or labor investment in a property for such a use, and
  - (6) actual application to the Zoning Hearing Board for a use.

- C. Nonconforming Use of Open Land. All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when discontinued for a period of 90 days or damaged to an extent of 50 percent or more of replacement cost, shall not be continued, repaired or reconstructed.
7. Changes from One Nonconforming Use to Another.
- A. Once changed to a conforming use, no structure or land shall be Permitted to revert to a nonconforming use. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
  - B. A nonconforming use may be changed to another nonconforming use only if Permitted as a Special Exception by the Zoning Hearing Board after the following conditions are met:
    - (1) The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.
    - (2) The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
      - (a) Traffic generation (especially truck traffic),
      - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
      - (c) Amount and character of outdoor storage, Hours of operation and
      - (d) Compatibility with the character of the surrounding area,
  - C. A nonconforming use which is found to meet the criteria (2 above) as a Special Exception by the Zoning Hearing Board after the above conditions are met shall not be considered a non-conforming use because it did not predate the enactment of the zoning ordinance. No natural expansion shall occur as the doctrine of natural expansion does not apply as the use did not predate the ordinance.
8. District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the provisions of this Section shall also apply to any nonconforming uses or structures existing in the district to which the area was transferred.
9. Floodplain Area. In the Floodplain Area, as defined by the Township Floodplain Ordinance, all nonconforming structures and uses, including agricultural, shall be subject to the following:
- A. Existing nonconformities located in such district shall not be extended, expanded or enlarged.
  - B. Any modification, alteration, repair, reconstruction or improvement of any kind to an

existing nonconformity, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed at least 1 - 1/2 feet above the standard project flood or the 100-year flood, whichever is greater, to the greatest extent possible.

- C. Any modification, alteration, reconstruction or improvement of any kind to an existing nonconformity, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance and all other applicable Township, State and Federal ordinances and regulations.

**§ 122 Site Plan Review.**

1. Intent. This section requires a site plan review for certain uses requiring special attention to more effectively ensure compliance with this Ordinance and to provide a review of items such as traffic access. Site Plan Review does not replace the Subdivision and Land Development review process required by the Township Subdivision and Land Development Ordinance.
2. Conditional Uses. For conditional uses, the site plan review shall be part of the requirements and review of the Conditional Use (see Section 118).
3. When Review is Required:
  - A. A site plan meeting the requirements of this Section shall be submitted for any of the following proposed uses or structures, unless such use would be required to be submitted to the Township as a subdivision or land development:
    - (1) Any expansion or new construction of more than 2,000 square feet in the footprint of a structure of one the following types:
      - (a) Industrial, office, commercial, recreational building or use,
      - (b) School, place of worship or institutional building,
      - (c) Structure used for animal husbandry/agriculture.
    - (2) Any new or expanded paved or gravel area of greater than 5,000 square feet.
    - (3) Conversion of a noncommercial or non-industrial building to a new principal commercial use.
    - (4) A lot which exceeds the peak hour trip threshold associated with its respective Traffic Management Overlay.
    - (5) Any change from one commercial or industrial use to a different commercial or industrial use.
  - B. For any use that is a subdivision or land development per the Township's Subdivision and Land Development Ordinance, the applicant shall submit the required subdivision or land development plan to the Township for review per that Ordinance.
4. Procedure for Permitted by Right Uses Requiring Site Plan Review.
  - A. The procedure shall be that as established for a final land development plan in the Township's Subdivision and Land Development Ordinance.
  - B. The use shall meet all applicable requirements of this Ordinance.
  - C. Data submitted shall be as required for a land development plan.

**ARTICLE II  
 DESIGNATION OF BASE ZONING DISTRICTS**

**§ 201 Base Zoning Districts Designated.**

1. For the purpose of this Chapter, the Township is hereby divided into the following zoning districts, with the following abbreviations and District Types:

| District Type                 | Abbreviation | Zoning District                          |
|-------------------------------|--------------|--|
| Agricultural                  | TD1          | Agriculture                              |
| Residential                   | TD2          | Estate Residential                       |
|                               | TD3          | Suburban Residential                     |
|                               | TD4          | Village Residential                      |
|                               | TD5          | Town Residential                         |
| Mixed Use<br>or<br>Commercial | TD6          | Village Mixed Use                        |
|                               | TD7          | Suburban Mixed Use                       |
|                               | TD8          | Regional Mixed Use                       |
| Industrial                    | TD9          | Contracting, Craftsman and Artisan       |
|                               | TD10         | Assembly and Distribution                |
|                               | TD11         | Manufacturing, Extraction and Processing |

**§ 202 District Purposes.**

1. TD1 Agriculture – To preserve agricultural lands and woodlands, to encourage conservation of open space and rural landscapes, and to allow for limited low-density residential uses and limited business uses compatible with working lands.
2. TD2 Estate Residential – To accommodate low-density single-family detached dwellings on larger lots which may not be serviced by public sewer and water, and in conjunction with rural agriculture activities.
3. TD3 Suburban Residential – To allow for low-density neighborhoods of single-family detached dwellings, typically on local streets and with private driveways, and largely serviced by on-site wastewater treatment.
4. TD4 Village Residential – To accommodate medium-density neighborhoods of single-family attached and detached dwellings typically along local streets with a more, walkable grid-like pattern.
5. TD5 Town Residential – To provide for neighborhoods that are medium-to-high density and accommodate a mix of single and multifamily dwellings, typically along local streets with a more walkable grid-like pattern.

6. TD6 Village Mixed Use – To accommodate medium-density clusters of low-impact, neighborhood-oriented residential and nonresidential land uses in rural communities, ranging from single-family dwellings to professional offices to small institutional buildings.
7. TD7 Suburban Mixed Use – To allow for commercial uses that service the needs of the community that have direct access to arterial and collector roads which primarily rely on motor vehicles to provide customer accessibility and also including clusters of medium density housing.
8. TD8 Regional Mixed Use – To permit areas for larger-scale master-planned retail and service centers, dining, lodging, entertainment, and other tourism-related commercial activities serving the broader region, as well as select low-impact light industrial uses.
9. TD9 Contracting, Craftsman and Artisan – To accommodate low intensity uses that involve producing, repairing and/or selling products involving primarily handmade workmanship, which may be conducted on the premises or within a residential dwelling and which does not detrimentally impact the residential character of surrounding properties.
10. TD10 Assembly and Distribution – To provide for locations accommodating less intense industrial land uses such as light manufacturing, warehousing and distribution, research/testing facilities, and supporting offices.
11. TD11 Manufacturing, Extraction and Processing – To provide locations for high intensity production, fabrication, and similar industrial uses and activities and to make appropriate provisions for the extraction and processing of mineral deposits from the earth that support the protection of health, safety, and welfare for the region’s citizens.

**§ 203 Zoning Map.**

1. A groups of maps comprise the Lower Nazareth Township Official Zoning Map that accompanies this Ordinance and is declared a part of this Ordinance.
2. The Official Zoning Map shall bear the adoption date of this Ordinance and shall be comprised of two exhibits: Exhibit 1 of 2 – Base Zoning Districts and Exhibit 2 of 2 – Zoning Overlays.
3. Changes of any nature to the Official Zoning Map shall only be made in conformity with the Amendment procedures set forth in this Ordinance. All changes should be noted by date with a brief description of the nature of the change.
4. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township Office and shall be the final authority on boundaries and districts.
  - A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  - B. The new Official Zoning Map may correct drafting or other errors or omissions in the



prior Official Zoning Map, but no such correction shall include an amendment, unless the amendment has been duly advertised and adopted.

- C. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**§ 204 District Boundaries.**

Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of street rights-of-ways, streams, and railroads and the lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
3. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

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**ARTICLE III**  
**BASE ZONING DISTRICT REGULATIONS**

**§ 301 Limit of One Principal Use.**

1. A maximum of one type of principal use is permitted per lot, except where otherwise permitted within this Ordinance.

**§ 302 Street Frontage: Number of Uses or Buildings.**

1. Street Frontage Required. Every principal building shall be built upon a lot with permanent access upon a public or upon a private street improved to meet Township standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Township Subdivision and Land Development Ordinance.
2. Multiple Occupancy. Occupancy of a principal commercial or industrial building by more than one use of similar type is specifically allowed, provided that all other requirements of this Ordinance are satisfied.

**§ 303 Zoning District Quick Views.**

1. The following items related to each zoning district are included within each of the following Quick Views:
  - A. Principal uses permitted by right, by condition, or by special exception.
  - B. Accessory uses.
  - C. Area and bulk regulations.

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**ARTICLE IV  
ZONING OVERLAY REGULATIONS**

**§ 401 Designated Growth Overlay.**

1. Purpose. To facilitate Cluster Development as an optional form of infill development within areas in the Township served by sewer and water.
2. Applicability. The Designated Growth Overlay shall be delineated on the Official Zoning Map.
3. Permitted Land Uses.
  - A. All land uses permitted in the lot's base zoning district. See Section 303 – Zoning District Quick Views for permitted land uses within the corresponding base zoning district.
  - B. Cluster Development, in accordance with Section 622.

**§ 402 Rural Resource Overlay.**

1. Purpose.
  - A. Lower Nazareth Township's Rural Resource Overlay aims to:
    - (1) Preserve natural resources and agricultural farmlands;
    - (2) Reduce public infrastructure impacts related to non-agricultural development within agricultural lands and areas with abundant natural resources.
    - (3) Align with the Nazareth Area Multi-Municipal Comprehensive Plan as prepared by the Lehigh Valley Planning Commission;
    - (4) Remain in accordance with the powers granted by the Pennsylvania Municipalities Planning Code, Article XI.
    - (5) Provide a rational methodology for:
      - (a) Inventorying, mapping, and evaluating the carrying capacity of a lot within the Rural Resource Overlay based on the existing natural resources found on said lot; and
      - (b) Establishing standards to define and determine the amount of development that a lot can reasonably support. The net buildable area, as determined by this overlay process, is the total acreage and general locations of permitted disturbance on a lot; and
      - (c) Categorizing lands within the Rural Resource Overlay to designate appropriate development densities based on the levels of protected natural resources present on said lands.

- B. The use of the Rural Resource Overlay process is intended to enable:
  - (1) Landowners and/or developers to identify, early in the development process, the lot's development capacity and subsequently, its development opportunities; and
  - (2) The protection of persons and lots from hazards resulting from the inappropriate development of land in areas that contain sensitive existing natural resources.
- 2. Terms Defined. See Section 1202 for any terms not listed herein. The following terms, when used within this Section, shall mean the following:
  - A. AGRICULTURAL SOILS, CLASS 1 – All prime agricultural lands that qualify for rating as Class 1 in the Soil Conservation Service land use compatibility classifications.
  - B. AGRICULTURAL SOILS, CLASS 2 – All prime agricultural lands that qualify for rating as Class 2 in the Soil Conservation Service land use compatibility classifications.
  - C. EXISTING LAND CONDITIONS – Types of lands present on a given lot, parcel, or development tract, delineated on a Resource Protection Worksheet.
  - D. CARBONATE SOILS (KARST) -- A type of landscape characterized by the dissolution of soluble rocks such as limestone, dolomite, and gypsum, which results in unique surface and subsurface landforms such as sinkholes, caves, and underground drainage systems.
  - E. CONSERVATION DEDICATION – Lands designated by a developer as open space, which shall be owned and maintained by the developer.
  - F. FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
  - G. HYDRIC SOIL – A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.
  - H. NATURAL DRAINAGE WAY – A natural swale or topographic depression which gathers and/or conveys runoff to a permanent or intermittent watercourse or waterbody.
  - I. NATURAL RESOURCE PROTECTION ANALYSIS – Submitted by a landowner or developer to determine the Net Buildable Area of a given lot, parcel, or development tract.
  - J. NET BUILDABLE AREA – Land areas of a given lot, parcel, or development tract where development may occur, calculated using the Resource Protection Worksheet.
  - K. PERMITTED DISTURBANCE RATIO – The proportion of an Existing Land Condition that may be disturbed, measured in acres and calculated as part of the Resource Protection Worksheet.

- L. RESOURCE PROTECTION WORKSHEET – A submission item part of the Natural Resource Protection Analysis that calculates the Net Buildable Area of a given lot, parcel, or development tract.
  - M. SLOPE MAP – A drawing submitted as part of a Natural Resource Protection Analysis in accordance with the requirements in Section 402.7.
  - N. SPRING – A natural exit point at which groundwater emerges out of the aquifer and flows onto the surface.
  - O. VERNAL POOL – A type of seasonal wetland, which is inundated with water for varying periods from winter through spring, but typically dries up completely by late summer or fall. Vernal pools are identified by the presence of characteristic plant and animal species, as well as by their hydrology, which is determined by factors such as soil composition, groundwater levels, and topography.
3. Authority
- A. The provisions in this Section shall supersede any base zoning district regulations unless otherwise stated herein.
4. Applicability and Administration.
- A. The Rural Resource Overlay is applicable to any lot not otherwise assigned to the Designated Growth Overlay.
  - B. A Natural Resource Protection Analysis shall:
    - (1) Be completed and submitted as part of any minor or major land development and/or any activity requiring excavation as defined in the Township. Said information shall be accompanied by a sealed and signed letter by an engineer and/or landscape architect licensed within the Commonwealth acknowledging the review and submission of the related site information.
    - (2) Not be necessary for any area in the Overlay where development requires only a building permit with no excavation as defined in the Township. Said development shall be in conformance with the following:
      - (a) A statement, signed and sealed by one or more of the following registered professionals (in the Commonwealth of Pennsylvania); geologist, engineer, and or architect as appropriate, for the type of work involved in the project, containing the following items of information:
        - 1) A geotechnical engineering report, of the soil types and underlying geology of the site as appropriate for the proposed type of construction.
        - 2) A plan, a profile and typical cross-sections of any proposed driveway. This material shall have the seal of a registered professional engineer affixed thereon.

- 3) A plan indicating proposed and existing impervious surfaces, stormwater drainage facilities, drainage calculations based on a fifty-year storm, retaining walls, ground cover and the location of trees and ornamental shrubs.
    - 4) Architectural plans, elevations and sections.
  - (3) Be completed on the official Township forms provided by the Zoning Officer. The official forms required by this Chapter and other applicable analyses defined by the Township shall be completed and submitted as part of any application other than a building permit. No application shall be processed accepted unless or until the Zoning Officer determines that the Resource Protection Analysis has been properly completed.
  - (4) The granting of any permit pursuant to the regulations of this Chapter shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.
5. Permitted Land Uses.
- A. Any use permitted within the corresponding Base Zoning District. See Section 303: Zoning Quick Views.
  - B. Cluster Development, in accordance with Section 622.
6. Natural Resource Protection Analysis.
- A. A Natural Resource Protection Analysis shall be conducted to assess the Net Buildable Area of a development tract, based on the existence of the following natural resources on the development tract:
    - (1) Class 1 Agricultural Soils
    - (2) Class 2 Agricultural Soils
    - (3) Carbonate Soils
    - (4) Steep Slopes;
    - (5) Floodplains and Floodways;
    - (6) Springs;
    - (7) Vernal Pools;
    - (8) Wetlands;
    - (9) Hydric Soils;
    - (10) Natural Drainage Ways; and
    - (11) Lakes/Water Bodies.



B. The Applicant shall contact the following agencies for information regarding previous land disturbances of a lot. Additional contact information is available at the Township office; however, the Applicant is responsible for contacting or referencing all sources, listed below or otherwise, to obtain information related to the assessment of existing natural resources.

- (1) Commonwealth of Pennsylvania;
- (2) Bureau of Topographic and Geologic Survey;
- (3) PADEP, Regional Offices; and
- (4) National Wetland Inventory.

7. Analysis Procedures and Implementation.

A. The Natural Resource Protection Analysis is designed to determine the location and amount of development permitted within any given lot or contiguous lots under common ownership or control, which shall be determined in the following manner:

- (1) The applicant shall create a 1"=100' scale Slope Map based on a contour interval of not more than five (5) feet where the slope is greater than fifteen (15) percent and at intervals of not more than two (2) feet where the slope is fifteen (15) percent or less. The Slope Map shall delineate the location and extent of the following four (4) slope categories:
  - (1) 0-15%;
  - (2) >15-25%
  - (3) >25-40%; and
  - (4) 40%
- (2) On the Slope Map, the applicant shall indicate the location and geographic extent of the existing land conditions identified on Table A. Each existing land condition shall be clearly labelled and uniquely illustrated on the Slope Map.
- (3) Official copies of the Resource Protection Worksheet as described below are available through the Zoning Officer and shall be completed to determine the initial Net Buildable Area of the lot.
  - (a) Where lands within a development tract have multiple Existing Land Conditions, the calculated Gross Area shall only be documented one (1) time next to the Existing Land Condition with the most restrictive Permitted Disturbance Ratio.

**TABLE A: NATURAL RESOURCE PROTECTION WORKSHEET**

| Line #         | Existing Land Conditions  | Gross Area<br>(acres)               | Permitted<br>Disturbance<br>Ratio | Net Buildable<br>Area (acres)     |
|----------------|---|-------------------------------------|-----------------------------------|-----------------------------------|
| Line 1         | Class 1 Agricultural Soils  | x                                   | 0                                 | =                                 |
| Line 2         | Class 2 Agricultural Soils  | x                                   | 0                                 | =                                 |
| Line 3         | Carbonate (Karst) Soils   | x                                   | 0                                 | =                                 |
| Line 4         | All Floodplains, Wetlands, and Hydric Soils                                       | x                                   | 0                                 | =                                 |
| Line 5         | All Springs and Vernal Pools  | x                                   | 0                                 | =                                 |
| Line 6         | Other Areas on Slopes 0-15% not calculated<br>as part of Lines 1 through 5 above  | x                                   | 1                                 | =                                 |
| Line 7         | Other Areas on Slopes 16-25% not calculated<br>as part of Lines 1 through 5 above | x                                   | 0.85                              | =                                 |
| Line 8         | Other Areas on Slopes >25% not calculated<br>as part of Lines 1 through 5 above   | x                                   | 0.25                              | =                                 |
| Line 9         | Other Areas on Slopes >40% not calculated<br>as part of Lines 1 through 5 above   | x                                   | 0                                 | =                                 |
| <b>Line 10</b> | <b>Sum of Lines 1-9</b>   | <b>0.00</b>                         |                                   | <b>0.00</b>                       |
|                |   | <b>(Total Gross Lot/Tract Area)</b> |                                   | <b>(Total Net Buildable Area)</b> |

B. The layout of all proposed buildings, structures, streets and utilities shall occur only within the portions of a lot that do not contain sensitive existing natural resources documented as part of this Article as well as determined by the Township represented by the individual permitted disturbance ratios and the Total Net Buildable Area (Table A: Natural Resource Protection Worksheet).

8. Open Space. Land areas not within the Net Buildable Area, calculated as part of the Natural Resource Protection Analysis and delineated on a Slope Map in accordance with Section 402.7, shall be considered open space and may be facilitated through any combination of the following mechanisms:

- A. Conservation Easement, pursuant to the requirements of Section 615.
- B. Common Open Space, pursuant to the requirements of Section 616.
- C. Conservation Dedication.
  - (1) Ownership, maintenance, and additional responsibilities related to land areas under a Conservation Dedication shall be stipulated within the developer agreement as part of Subdivision and Land Development approval.
  - (2) Land areas, as identified in the developer agreement, shall remain under Conservation Dedication in perpetuity.

**§ 403 Route 191 Corridor Overlay.**

1. **Overlay Purpose.** The Route 191 Corridor Overlay establishes design guidelines that facilitate consistent development patterns for land uses that front Route 191. In addition, the Overlay provides standards for safe and orderly traffic management related to commercial/mixed-use development, which accommodates multi-generational changes in development patterns and roadway transformations.
2. **Authorization.** The provisions and development parameters included in the Route 191 Corridor Overlay are based on the authorizations and objectives of Traditional Neighborhood Development (TND) as established by Article VII-A of the Pennsylvania Municipalities Planning Code (MPC),
3. **Applicability.** For any existing and future lots south of Hollo Road and fronting Route 191, as identified upon the adoption of this Ordinance, the regulations within this Overlay shall apply and supersede any regulations within the Base Zoning District, unless otherwise stated herein.
4. **General Regulations.**
5. **Dimensional Requirements.** See Table B

**TABLE B: ROUTE 191 CORRIDOR OVERLAY DIMENSIONAL REQUIREMENTS**

|  | Existing Lots Prior to<br>the Adoption of this<br>Ordinance | All Future Lots |
|--|---|-----------------|
| MIN. LOT AREA                            | 5,000 sq ft.  | 1 acre          |
| MIN. LOT WIDTH                           | 50 ft.  | 150 ft.         |
| MAX. BUILDING HEIGHT                     | 35 ft.  | 35 ft.          |
| LOT COVERAGE                             |   |                 |
| Max. Building Coverage                   | 50%   | 40%             |
| Max. Impervious Coverage                 | 80%   | 80%             |
| MIN. YARD SETBACK - Principal Structures |   |                 |
| Front Yard                               | 10 ft.  | 20 ft.          |
| Side Yard                                | 5 ft.   | 35 ft.          |
| Rear Yard                                | 20 ft.  | 35 ft.          |
| MIN. YARD SETBACK - Accessory Structures |   |                 |
| Side Yard                                | 2 ft.   | 10 ft.          |
| Rear Yard                                | 2 ft.   | 10 ft.          |

- A. **Front Yard Setback Requirements.** The required front yard setbacks for all future zoning applications shall be measured from the future right-of-way line for an arterial street, in accordance with Section 606 – Establishment of Future Right-of-Way Widths.

6. Permitted Land Uses. See Article III – Base Zoning District Regulations for permitted land uses within the Route 191 Corridor Overlay.
7. Preliminary Zoning Approval Submission Items.
  - A. All applicable Subdivision and Land Development submission items, in addition to the following:
  - B. Site Plan. An applicant shall provide a scaled drawing demonstrating compliance with all of the requirements in Table B, in addition to the following illustrated items:
    - (1) Future Right-of-Way Line, in accordance with Section 606.4.B, where the future right-of-way width shall measure eighty (80) feet.
    - (2) Where applicable, buffer yards in accordance with Section 605.
    - (3) Access Management, in accordance with Subsection B.(1).
    - (4) Curb-Cuts and Landscape Buffers, in accordance with Subsection B.(2).
    - (5) Pedestrian Circulation, in accordance with Subsection B.(3).
    - (6) Connectivity, in accordance with Subsection B.(4).
    - (7) Building and Site Orientation, in accordance with Subsection B.(5).
  - C. Site Plan Requirements.
    - (1) Access Management.
      - (a) Access to Route 191. Access shall be designed to minimize the number of points of access to arterial and collector streets. Any site which contains two (2) or more buildings shall be designed to encourage the use of common driveways to control access to Route 191.
      - (b) All proposed land developments shall have no more than one (1) point of access for every two hundred (200) feet of frontage on Route 191.
      - (c) Ingress, egress and internal traffic circulation on the site shall be designed to minimize congestion, to ensure safety and to provide adequate accessibility to all buildings for firefighting equipment and emergency vehicles.
      - (d) Where a lot has more than one (1) access drive onto Route 191, a landscaped curb cut in accordance with Subsection C.(2) shall be provided between access drives.
    - (2) Curb-Cuts and Landscape Buffers.

- (3) Pedestrian Circulation.
  - (a) Sidewalks are required to be constructed on local roadways and access drives, not within or adjacent to the Route 191 right-of-way.
- (4) Connectivity.
  - (a) All land developments shall provide for vehicular and pedestrian access between the proposed development and any adjacent existing development. Where a proposed land development is adjacent to undeveloped land, the proposed land development shall accommodate future pedestrian and vehicular connections to such adjacent undeveloped land by accommodating such access within the overall site layout and reservation of recorded construction and access easements to facilitate construction of the future connection.
- (5) Building and Site Orientation.
  - (a) Front Façade. The ground-level front facade and the facade of any building facing Route 191 shall have windows and/or doors covering at least 40% of the horizontal length of the facade, between the height of three feet and eight feet above the walkway or grade, allowing views into and out of the interior. Product display windows may be used to meet the transparency requirement.
    - 1) The percentage of required window and door openings, above, allowing interior views, may be reduced by using false or opaque window features, provided that they match the form of the required window and door openings and comprise no more than half of the required coverage requirement and that the openings appear as an integral part of the facade.
  - (b) Orientation of Off-Street Parking and Loading.
    - 1) Number of spaces required: See Article X.
    - 2) Parking areas shall not be permitted within the future right-of-way, in accordance with Section 606 – Establishment of Future Right-of-Way Widths.
    - 3) One landscape island measuring at a minimum of 200 square feet in area shall be constructed for every ten (10) parking spaces. The island shall contain a minimum of one deciduous tree that has a minimum caliper size of three inches and ground cover planting covering 75% of the island’s area.
    - 4) Parking lots shall be located a minimum of ten (10) feet from any lot line of an adjacent property or adjacent land development. This requirement shall not apply where multiple parking lots and properties are included within one land development.

- 5) All service and loading areas shall be located behind the principal structure on the lot and shall face the rear lot line. The service and loading area of all nonresidential developments shall be screened by an eight-foot-high hedge, earth berm, masonry wall or fence with a minimum opacity of 70%.

8. Final Zoning and Land Development Approval Submission Items.

- A. All applicable Subdivision and Land Development submission items, in addition to the following:
- B. When applicable, the following supplemental materials:
  - (1) Access Management Agreement, in accordance with this Chapter.
  - (2) Shared Parking Agreement, in accordance with this Chapter.

9. Specific Requirements for Supplemental Materials

A. Shared Driveway Agreement.

- (1) Landowners may share driveways accessing Route 191 if paved parking areas are connected across lot lines.
- (2) All buildings shall provide prominent and highly visible street-level doorway entrances along the front or side of the building which faces a public street.
- (3) No mechanical or electrical equipment related to a building or structure shall be visible from a public right-of-way. Wherever feasible, the use of exterior mechanical systems should be minimized.
- (4) Buildings included in proposed land development within the Overlay District shall have a common architectural theme that includes colors, materials, and architectural design that are common among buildings within the Overlay District.

B. Shared Off-Street Parking Agreement. See specific requirements in Section 1004.

**§ 404 Health Care Overlay.**

1. Purpose.

- 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
- 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 issues 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,

2. 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.

3. Use.

- A. The following uses shall be permitted by right in a Health Care Campus:
  - (1) Hospital.
  - (2) Health Care Outpatient Facility.
  - (3) Health Care Education Facility.
  - (4) Health Care Office.
  - (5) Wellness and Fitness Center.
  - (6) Health Care Residential Facility.
  - (7) Child Care Center.
  - (8) Adult Day Care Center
  - (9) Health Care Commercial Facility and Incidental Uses.
  - (10) Health Care Accessory Facilities.

- 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 this Chapter with respect to open space, setbacks, and density may be adjusted up to 50% of the base zoning district's minimum or maximum as applicable, so long as the findings and remedies associated with the respective Traffic Management Overlay are completed. Further, requirements with respect to heliports shall not apply to a heliport on a Health Care Campus that is routinely used for medical transport.

4. 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 such yard areas are 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.
5. Minimum Building and Parking Structure Setback.
  - A. 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.
6. Buffer Requirements.
  - A. Buffer yards shall be in accordance with this Chapter, 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.
7. Signs.
  - A. Signs on a Health Care Campus shall be in accordance with Article XI 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 this Chapter.
- 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.

**§ 405 Traffic Management Overlays.**

- 1. Lots within the Township shall be subject to one of three traffic management overlays:
  - A. 191 Traffic Management Overlay.
  - B. Mid-land Traffic Management Overlay.
  - C. 248 Traffic Management Overlay.
- 2. For all lots subject to a traffic management overlay, a letter report evaluation shall be completed to identify the calculated peak hour trips associated with the proposed land use. The letter report shall be submitted as part of the zoning application. The estimated number of trips shall be determined by Institute of Transportation Engineers (ITE) uses specifically assigned within this Ordinance or analysis of similar uses, through data collected by the ITE, subject to approval by the Township.

3. The following peak hour trip thresholds shall be assigned to each respective Traffic Management Overlay:
  - A. 191 Traffic Management Overlay - 75 peak hour trips.
  - B. Mid-land Traffic Management Overlay - 100 peak hour trips.
  - C. 248 Traffic Management Overlay- 200 peak hour trips.
4. Any land development or subdivision which will generate on any adjacent street an excess of the peak hour trips assigned to the respective overlay in which the lot is located shall be required to have a traffic impact study completed as part of the zoning approval process. The estimated number of trips shall be determined by Institute of Transportation Engineers (ITE) uses specifically assigned within this Ordinance or analysis of similar uses, through data collected by the ITE, subject to approval by the Township.
5. The Township may require a traffic impact study for developments or changes in uses generating less than the respective traffic management overlay's trips in addition to the adjacent roadways' peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Township may waive the study requirement for an individual development or change in use, where said development or change in use was incorporated as part of a previously approved traffic impact study.
6. Traffic impact study scope. Prior to beginning a traffic impact study, the applicant shall submit a proposed scope of services to the Zoning Officer for review and approval. The traffic impact study shall include the following if appropriate as determined by the Township:
  - A. A brief description of the proposed project in terms of land use and magnitude.
  - B. An inventory and analysis of existing roadway and traffic conditions in the site environs including:
    - (1) Roadway network and traffic control.
    - (2) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
    - (3) Planned roadway improvements by others.
    - (4) Intersection levels of service.
    - (5) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.

- C. Proposed site-generated traffic volumes in terms of:
  - (1) Peak hours and ADT (by development phase if required).
  - (2) Arrival/departure distribution including method of determination.
  - (3) Site traffic volumes on study roadways.
  
- D. An analysis of future traffic conditions including:
  - (1) Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.
  - (2) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use.
  - (3) Background traffic growth rates for study roadways will be provided by the Township. These growth rates shall be consistent with the analysis performed for the Township's Comprehensive Plan and any subsequent updates/revisions to the Comprehensive Plan.
  - (4) Intersection levels of service.
  - (5) A pavement analysis of roadways which are projected to experience significant increase in ADT volumes off-site.
  - (6) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
  - (7) When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.
  
- E. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All references to levels of service (LOS) shall be defined by the Transportation Research Board official publications as applicable. These standards may be waived by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
  - (1) Traffic capacity LOS shall be based upon future design year analysis.

- (2) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Township.
  - (3) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the Township.
  - (4) Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.
- F. A description and analysis of the proposed access plan and site plan including:
- (1) Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control.
  - (2) On-site circulation plan showing parking locations and dimensions, loading access circulation roadway and traffic control.
- G. Traffic circulation mitigating action plan shall include:
- (1) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
  - (2) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.
7. Traffic control devices and other traffic improvements. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign, additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition to approval of the final plat, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Township, reimburse the Township for the cost of the improvements.

**ARTICLE V**  
**ADDITIONAL REQUIREMENTS FOR USES PERMITTED BY RIGHT**

**§ 501 General.**

1. Any principal use, accessory use, conditional use, special exception use or nonconforming use which is established, operated or conducted by any person other than the owner of the lot upon which such use is located, without express prior written permission, consent, authorization, lease, agreement or other written documentation from one (or more) of the holder(s) of the fee simple legal title to said lot; or in lieu of such documentation, without the lot being subject to a pending or final action, adjudication or decree, in the nature of an adverse possession, quiet title, or ejectment, as the case may be, which would grant or result in the same or similar rights; is hereby declared to be a violation of this Ordinance, illegal and a public nuisance.

**§ 502 Specific Principal Uses.**

1. Adult Day Care Center
  - A. Shall be fully licensed by the State, if required.
  - B. Shall include constant supervision during all hours of operation.
  - C. Shall not meet the definition of a "criminal treatment center."
2. Bed and Breakfast.
  - A. Bed and Breakfast as a Principal Use in TD2 Estate Residential, TD3 Suburban Residential, TD4 Village Residential, TD5 Town Residential, and TD6 Village Mixed-Use:
    - (1) A maximum of six (6) rental units shall be provided and no more than three (3) adults may occupy one (1) rental unit. Only one (1) Bed and Breakfast shall be permitted per lot.
    - (2) One (1) off-street parking space shall be provided for each bedroom, plus one (1) off-street parking space for each employee at peak hour. To the maximum extent feasible, off-street parking spaces for the Bed and Breakfast shall be: (a) located either to the side or rear of the principal building and (b) screened from the street and abutting dwellings by landscaping. Off-street parking spaces shall be set back a minimum of 10 feet from lot lines.
    - (3) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of eight square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.
    - (4) Within a residential district, the use shall have a residential appearance and character.
    - (5) The use shall be owned, operated or managed by permanent residents of the lot.

- (6) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight unless a restaurant is also permitted.
    - (7) No guest shall stay for more than 14 days in any month.
  - B. Bed and Breakfast as an accessory use to an Agriculture Operation in TD1 Agriculture:
    - (1) See criteria for Agriculture Supportive Industry/Service in this Chapter.
- 3. Car Wash.
  - A. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - B. On-lot traffic circulation channels and parking areas shall be clearly marked.
  - C. Adequate provisions shall be made for the proper and convenient disposal of refuse.
  - D. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways.
  - E. Water from the car wash operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
  - F. Any car wash that is located within 250 feet of an existing residential lot line shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
  - G. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
- 4. Wholesale Sales.
  - A. See requirements in Section 624 – Truck Parking and Storage of Trailers.
- 5. Public Recreation.
  - A. The following requirements shall be met for any proposed swimming pool on the lot:
    - (1) The swimming pool must be serviced by public water and sewer.
    - (2) The water surface shall be setback at least 50 feet from any existing dwelling.
    - (3) A 2 acre minimum lot area is required.
    - (4) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of this Chapter.
    - (5) The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height, with a self-latching gate.
    - (6) Drainage, A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be



located so as to interfere with the operation of a well or on-lot septic system.

- (7) Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
- (8) Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music between 10pm and 7am. Between 7am and 10pm, continuous sound shall not exceed the permissible decibels specified in Township Ordinance No. 45. Continuous sound shall mean a sound whose intensity remains essentially constant during the period of observation. Continuous sound shall be defined for measurement purposes as sound which is measured by the slow response setting of a sound level meter.

**§ 503 General Accessory Use Provisions.**

- 1. General. Accessory buildings, structures, or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance.
- 2. Setback Requirements.
  - A. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use.
  - B. Front Yard. No accessory structure, use or building shall be Permitted in a required front yard in any district, unless specifically Permitted by this Ordinance. See "Essential Services."
- 3. Accessory structures incidental to residential uses (includes a private garage, carport, storage shed, residential greenhouse, gazebo and uses of a closely similar character):
  - A. Shall not be located in any required front, side, or rear setback for an accessory use.
  - B. Accessory buildings on a lot with a lot area of 2 acres or less in a TD1 through TD5 shall meet the following requirements:
    - (1) Maximum height – 25 feet but not higher than the principal structure.
    - (2) Maximum total floor area of all accessory buildings - 1,000 square feet.
    - (3) Maximum of two (2) accessory buildings per lot.
    - (4) Human occupancy in such accessory buildings is not permitted.
- 4. An accessory use is only permitted on a lot that includes a principal use.
- 5. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would be possible.

- A. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations,
- B. Electrical transformers as an accessory use to dwellings.
- C. Electrical, telephone and street light poles.
- D. Electrical transmission and distribution lines and meters,
- E. Wells, water transmission lines, cisterns and meters.
- F. Sewage pumping stations, but not including a central sewage treatment plant.
- G. Cable television and telephone lines.
- H. Storm water pipes, outfalls, detention basins, swales and catch basins.
- I. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, but without off-premise signs.
- J. U. S. mailboxes supported on wood posts not more than 6" square or on metal pipe posts, plastic assemblies, or decorative metal posts of not more than 1.5" material thickness or diameter.
- K. Boxes for receiving individual newspapers supported as under (10) above or on the same mailbox post.
- L. Railroad lines.
- M. Fire hydrants and emergency call boxes.
- N. Engineering retaining walls that are clearly necessary to hold back slopes.
- O. Sidewalks and curbs.
- P. Ramps primarily intended for handicapped access.
- Q. Ground level porches that are not covered by a permanent roof.
- R. Steps leading into the entrance of a building.

**§ 504 Specific Accessory Uses.**

1. Accessory Dwelling Unit

- A. Only one (1) accessory dwelling unit shall be permitted as an accessory use to a principal owner-occupied single-family detached dwelling.
- B. An accessory dwelling shall be attached to or contained within the principal building.
- C. An accessory dwelling unit shall not be located within an existing or constructed accessory structure.
- D. No accessory dwelling shall comprise more than forty percent (40%) of the habitable floor space contained within the principal dwelling.

- E. The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used.
- F. An accessory dwelling unit contained on floors above or below grade shall have a direct means of escape to ground level.
- G. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
- H. One (1) off-street parking space shall be provided in addition to those required by other uses on the property.
- I. An accessory dwelling unit shall be occupied by not more than two persons.
- J. An accessory dwelling unit shall comply with all applicable building codes and any other applicable regulations.
- K. The Township shall notify the appropriate Municipal Authority of the proposed establishment of an accessory dwelling unit when located in an area served by on-site water supply systems and which is located in an area which is served by public sanitary sewers, so that the Township Municipal Authority may adjust sewage charges, if deemed necessary, to reflect additional sewage flows anticipated to emanate from the accessory dwelling unit(s).

2. Agriculture Supportive Industry/Service.

- A. Agriculture Supportive Industry/Services are only permitted in the TD1 Agriculture district and shall be accessory to an Agriculture Operation.
- B. An Agriculture Supportive Industry/Service may include the following activities:
  - (1) Large Land Area Commercial Recreation, such as the following:
    - (a) Corn Mazes;
    - (b) Petting and Feeding Zoos;
    - (c) Hayrides;
  - (2) Tree Farms;
  - (3) Bed and Breakfasts;
  - (4) Pumpkin Patches;
  - (5) Orchards;
  - (6) Gardens; and/or
  - (7) Any similar activity, provided the Applicant can provide evidence to the Zoning Hearing Board that the related impacts are equal to or less than any activities listed above.
- C. Applicants must identify in a sketch plan the location of the proposed activities, all farm-related buildings in support of the Agriculture Operation, all dwellings, existing and proposed driveways, access drives, parking areas, vehicle turnaround areas, location of

applicable sanitary facilities (if required) and buffering and landscaping in accordance with this Chapter.

- D. A driveway occupancy permit must be approved by the township for access to township roads and must be reviewed by the Zoning Hearing Board for access to state roads.
- E. Sanitary facilities shall be provided in accordance with PA DEP requirements.
- F. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.
- G. If a permanent structure is proposed as part of an Agricultural Supportive Industry/Service, the total floor area shall not exceed that of the largest existing structure on the lot.
- H. The Applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final occupancy permit. Applicants must consult with the Zoning Officer to determine if a building permit is required for any building proposed as part of the Agriculture Supportive Industry/Service.
- I. Overnight Accommodation.
  - (1) One (1) off-street parking space shall be provided for each bedroom, plus one (1) off-street parking space for each employee at peak hour.

3. Apartment, Accessory

- A. An accessory apartment shall not exceed fifty (50) percent of the principal dwelling.
- B. Any additions to an existing single-family dwelling proposed as part of an accessory apartment shall share a common entrance.
- C. See parking requirements in this Chapter.

4. Car Wash. See provisions for Car Wash in § 502.

5. Drive-Through Facility.

- A. Site layout and vehicle circulation shall be designed to accommodate the on-site stacking of vehicles and shall not cause back-ups or other traffic conflicts with any public right-of-way. The applicant shall provide evidence for Township review that the proposed capacity of on-site vehicle stacking is capable of accommodating the projected traffic generated by the use.
- B. The subject property shall have a minimum lot width at the right-of-way line of 150 feet.
- C. Any drive-thru facilities shall be set back at least 200 feet from any residential uses.
- D. Width of drive-through lanes:
  - (1) One lane – minimum of 9 feet in width.
  - (2) Two lanes.
    - (a) Inside Lane: minimum of 9 feet in width.

- (b) Outside Lane: minimum of 12 feet in width.
  - (3) Three or more lanes: each additional lane shall be a minimum of 12 feet in width.
  - E. All drive-thru window-lanes shall be separated by curb from the parking area's interior driveways and aisles.
  - F. Any exterior speaker/microphone system shall be directed, arranged and/or screened to prevent objectionable noise impact on adjoining properties.
  - G. For restaurants with an accessory drive-thru, all exterior seating/play areas shall be completely enclosed by a fence with a minimum height of four feet.
  - H. Car charging stations shall not be considered a drive-through facility and shall be in accordance with accessory use provisions of the applicable zoning district.
6. Essential Services.
- A. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet applicable lot requirements if future building or subdivision of the lot would be possible.
    - (1) Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations,
    - (2) Electrical transformers as an accessory use to dwellings.
    - (3) Electrical, telephone and street light poles.
    - (4) Electrical transmission and distribution lines and meters,
    - (5) Wells, water transmission lines, cisterns and meters.
    - (6) Sewage pumping stations, but not including a central sewage treatment plant.
    - (7) Cable television and telephone lines.
    - (8) Storm water pipes, outfalls, detention basins, swales and catch basins.
    - (9) Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, but without off-premises signs.
    - (10) U. S. mailboxes supported on wood posts not more than 6" square or on metal pipe posts, plastic assemblies, or decorative metal posts of not more than 1.5" material thickness or diameter.
    - (11) Boxes for receiving individual newspapers supported as under (10) above or on the same mailbox post.
    - (12) Railroad lines.
    - (13) Fire hydrants and emergency call boxes.

(14) Engineering retaining walls that are clearly necessary to hold back slopes.

(15) Sidewalks and curbs.

(16) Ramps primarily intended for handicapped access.

(17) Ground level porches that are not covered by a permanent roof.

(18) Steps leading into the entrance of a building.

B. The following are Permitted essential services and are required (except within Section 106) to meet all of the applicable requirements of this Ordinance:

(1) Electrical substations and bulk transformers that are not an accessory use to dwellings.

(a) Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of Section 1404 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

(2) Water storage towers and standpipes, filtration plants and pressure stations.

(3) Emergency and other electrical generators and compressors.

(4) Solid waste bulk dumpsters and bulk compactors.

(5) Telephone switching stations.

(6) Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the construction. Any temporary sales office is to be removed from the site within 20 days of completion of active sales activity.

(7) Industrial or commercial air conditioners.

(8) Centralized sewage treatment facility meeting all PA DEP and Township regulations and Sewage Facilities Plans.

#### 7. Day Care, Accessory.

A. An accessory day care shall only be permitted as accessory to a Place of Worship, Place of Assembly, or Office complex.

#### 8. Farm Market

A. Farm Market structures, including display stands, booths, tables, and stalls shall be set back at least fifty (50) feet from adjacent residential property lines and zoning districts.

B. Structures shall be setback at least twenty-five (25) feet from a street right-of-way and shall not be situated such that it interferes with any clear sight triangle.

9. Home-Based Business, No Impact

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business may not involve any illegal activity.

10. Home-Based Business, Low-Impact

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. No more than one person, other than the occupants of the dwelling unit, shall be employed and work at the Low-Impact Home-Based Businesses.
- C. There shall be no outside appearance of a business use including, but not limited to, parking, lights, and exterior storage of materials. Signage shall be provided in accordance with Article XI.
- D. The production and sale of retail goods shall be limited to value-added products derived from farm products and other natural/organic resources, such as wood or stone.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. A maximum of 25 percent of the floor area of the dwelling unit may be devoted to a Low-Impact Home-Based Business.
- H. A Low-Impact Home-Based Business shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage.
- I. The business may not involve any illegal activity.

11. Home Occupation.

- A. The home occupation shall not be conducted on the premises outside of a building.
- B. The home occupation may be conducted within a principal or accessory residential building, provided that the total area used for a home occupation shall not exceed 25 percent of the total floor area of the principal dwelling unit.
- C. There shall be no outside storage of materials, products or equipment.
- D. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign no larger than 2 square feet in size constructed and placed in accordance with Article XVIII.
- E. Parking of Trucks - The regulations of this Chapter shall apply. Servicing of the use by trucks other pick-up trucks, vans or tractor-trailer trucks shall only occur a maximum of once per day.
- F. No servicing by tractor-trailer trucks shall be permitted.
- G. Uses Permitted as a home occupation include but are not limited to: art studio, barber shop, beauty shop, professional office and instruction or tutoring of not more than 4 pupils simultaneously,
- H. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store, restaurant or Truck Depot/Terminal, auto repairs, medical or dental offices.
- I. No machinery or equipment shall be Permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
- J. The Zoning Hearing Board may require such conditions as they deem reasonable and necessary to limit potential adverse effects of a particular use.
- K. Parking and Loading - Adequate space for off-street parking and loading shall be provided in accordance this Ordinance. If such parking cannot be accommodated using a driveway, such areas shall be located to the rear of the lot, if possible.
- L. Building Appearance - There shall be no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of a home occupation, except for the permitted sign.
- M. No use shall be permitted that would generate noise in excess of those specified in Township Ordinance No. 45.
- N. See also the definition of Home Occupation in this Ordinance.
- O. Number of Employees - A total maximum of 1 person shall work on the lot who is not a permanent resident of the dwelling, except for a barber or beauty shop which shall only be conducted by one person who is a permanent resident of the dwelling.
- P. Hours. No home occupation shall be conducted in any way that is perceptible from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m.
- Q. Chemicals - The use shall not involve the storage or use of hazardous or explosive



materials or chemicals, other than such substances and in such amounts commonly found in a dwelling.

- R. Traffic - No use shall be permitted that can reasonably be expected to generate for business purposes an average of more than 20 trips per day to the lot.

12. Keeping of Pets. (NOTE. This does not apply to “Raising of Livestock or Poultry,” “Concentrated Animal Operation” or “Concentrated Animal Feeding Operation” which is regulated by this Chapter and the PA Department of Agriculture/Environmental Protection).

- A. This is a Permitted by right accessory use in all districts.
- B. No use shall involve the keeping of animals or fowl in such a manner that it creates a serious nuisance (including noise or odor) or a health hazard or a safety hazard.
- C. On lots of less than four (4) acres in a residential district, no more than three (3) dogs and no more than four (4) cats may be kept, unless the animals would be regularly kept at least two hundred (200) feet from the nearest dwelling. No numerical restriction shall apply to cats and dogs of less than six (6) months old.
- D. The keeping of three (3) or more chickens, ducks, geese and/or similar fowl shall require a minimum lot area of two (2) acres. A maximum of seven (7) such fowl shall be permitted under this “Keeping of Pets” section. Such animals shall be kept on the property of the applicant. If there are three (3) or more such fowl on a lot, they shall be kept a minimum of seventy-five (75) feet from any dwelling other than that of the owner of the animals. Keeping more than seven (7) pigeons shall be regulated under “Concentrated Animal Operation”
- E. In any zoning district it is permitted to maintain personal and/or rescued horses and/or donkeys on a lot of two (2) acres or more, provided any exercise area, horse barn/enclosed shelter, corral, fenced-in area or non-commercial stable is a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any existing dwelling not on the same lot. If a commercial operation is conducted and maintained, see Commercial Stable.
- F. Keeping of more than the specified number of cats or dogs shall be considered a Kennel.
- G. Keeping of more than the specified number of fowl shall be considered Concentrated Animal Operation.
- H. Only those pets that are domesticated and are compatible with a residential character shall be permitted as “Keeping of Pets.” Examples of permitted pets other than those indicated in the prior subsections include dogs, cats, rabbits, gerbils, lizards and fish, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that are toxic to humans, hogs or sheep.

13. Outdoor Display of Merchandise

- A. Location. Outdoor Display of Merchandise shall not occupy any part of the existing or future street right-of-way.
- B. No Outdoor Display of Merchandise in an industrial district shall be located on land with an average slope in excess of 10 percent.

- C. Outdoor Display of Merchandise within off-street parking areas located between the front yard setback line and the front face of the principal building shall be permitted at the following ratio.
  - (1) One (1) parking space (or one hundred sixty-two (162) square feet) used as storage area for every three thousand (3,000) gross square footage of the principal building.
  - (2) The perimeter of such storage areas shall be roped-off to clearly delineate parking from storage areas.
  - (3) Outdoor storage shall not occur within nine (9) feet of any active parking spaces.
  - (4) Outdoor storage shall not block sight lines at intersections of nearby vehicular or pedestrian circulation routes and shall be located in a manner as to minimize potential traffic or pedestrian safety issues.

14. Outdoor Storage, Domestic.

- A. Domestic Outdoor Storage shall not be placed between the front façade of a principal building and the front lot line. This provision is not intended to regulate the display of holiday decorations or any sign types in accordance with Article XI.

15. Raising of Livestock or Poultry.

A. General Requirements.

- (1) The Raising of Livestock or Poultry shall be permitted by right in all zoning districts, subject to the compliance with the requirements within this Section and with associated technical practices regulated by the Commonwealth of Pennsylvania.
- (2) The raising of animals for commercial use or profit is not permitted. The sale of animal products is prohibited.
- (3) The slaughtering of animals on the property is prohibited.
- (4) The disposal of dead animals shall be in accordance with the Domestic Animal Law, 3 Pa. C.S. § 2352. Dead animals shall be disposed of within 48 hours after death.
- (5) Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.

B. Lot Requirements.

- (1) Minimum Lot Area – 2 acres.
- (2) General Density Standard. No more than two (2) Animal Equivalent Units (AEUs) shall be permitted per one (1) acre used for housing and pasturing the animal(s).
- (3) Large Animals (livestock of the bovine, equine, swine, sheep, or camelid families).
  - (a) One (1) large animal shall be permitted for every 20,000 square feet of lot area used for housing and pasturing the animal(s).

- (4) Setback Requirements.
  - (a) Livestock Structures, excluding structures for Domestic Fowl, rabbits, and other similar animal(s), shall be located a minimum of fifty (50) feet from any lot lines, or the minimum setback required by the base zoning district in which the use is located, whichever is greater.
  - (b) Livestock structures shall not be permitted in the front yard and side yard.
- C. Fencing.
  - (1) All animals shall be kept within a livestock enclosure at all times when said animals are not leashed, haltered or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
  - (2) Barbed-wire fencing shall not be permitted for livestock enclosures.
  - (3) The height of the fencing shall be no less than five (5) feet.
- D. Manure Management.
  - (1) Raising of Livestock or Poultry must comply with the Pennsylvania Nutrient Management Regulations, Pa. Code Title 25, Chapter 83, as amended and required by the Department of Environmental Protection.
  - (2) A minimum setback of one hundred (100) feet from all lot lines, wetlands, and waterways shall be provided for any area or structure used for the storage of animal waste.
  - (3) The containers to be used in the process of storing and disposing manure shall be kept covered at all times.
- E. Animal Care.
  - (1) All Raising of Livestock or Poultry must comply with minimum standards of animal care as required by Pennsylvania law, Pa. Code Title 18, as amended, regarding animal cruelty provisions.
- F. Livestock Structures.
  - (1) Livestock structures shall comply with the building height requirements of the base zoning district.
  - (2) Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
  - (3) Animal housing facilities shall incorporate no less than three (3) walls and a roof area to provide a weather-proof shelter.
- G. Regulations Specific to Chickens.
  - (1) In accordance with PA Department of Agriculture regulations, all coops shall be stationary, enclosed with solid material on all sides, have a solid roof, and vents to ensure adequate ventilation. Coops must be predator-proof and provide shelter from moisture and extremes of temperatures.

- (2) Coops shall be constructed to prevent rodents from being harbored underneath or within the enclosure.
- (3) The minimum coop size shall provide at least three (3) square feet per chicken.

16. Retail Sales of Agricultural Products

- A. The use shall be an accessory use incidental to an Agricultural Operation.
- B. The only retail sales shall be of agricultural products. A minimum of 75 percent of the products sold shall have been grown by the operator of the retail sales use, or a member of his or her immediate family or a lessee of their land.
- C. Parking shall be provided in compliance with the provisions of Article X.
- D. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- E. Signs. See Article XI.
- F. No stand shall be located closer than 25 feet from any lot line.
- G. A maximum of 2,000 square feet of building floor area may be used for such a use.
- H. The use may occur as an accessory use within an existing dwelling or barn.

17. Solar Photovoltaic (PV) System.

- A. See Section 614 for applicable design standards and guidelines for ground-mounted and building-mounted systems as accessory to a principal use.

18. Swimming Pool, Accessory

- A. A building Permit shall be required to locate or construct a noncommercial swimming pool.
- B. The pool shall not involve any commercial use.
- C. Enclosure Around In-Ground Pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than four (4) feet in height above the surrounding the existing ground level. This enclosure shall be constructed to make it impenetrable for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
- D. Enclosure Around an Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure a minimum of four (4) feet high above the surrounding ground level. This enclosure may include the walls of the pool itself Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four (4) feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended. All decks attached to an above ground pool shall be required to be four (4) feet in height above the existing ground level and shall have a ladder that can be raised and locked in a

position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.

- E. Location. A pool and any deck or shelter that is elevated above the surrounding ground level shall meet the applicable setback requirement for an accessory building. Landscaping and berms must meet setbacks. Where practical, a pool shall be located to the rear of a dwelling. A pool is not permitted within a required front yard. The water surface of a pool shall be setback a minimum of 15 feet from all lot lines and shall not be located under or within 20 feet of overhead electrical lines or over a water or sewer easement or within 10 feet of a septic tank or primary or alternate septic drain field.
- F. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
- G. The Township may establish an inspection fee to assure compliance with this Ordinance and shall require that the applicant call for a final inspection of the pool by the Township prior to use. The Township does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.
- H. Water Service. Any inlet from a central water system shall be above the overflow level of the pool. If the water for a pool is supplied by a private water system, there shall be no crossed connection with the central water system.
- I. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.
- J. All in-ground pools must comply with the current Township Building Code ordinance as amended for construction of the pool.

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**ARTICLE VI  
SUPPLEMENTAL REGULATIONS**

**§ 601 Filling, Excavation, and Grading.**

1. All activities other than farming which require the moving of earth or the filling or excavating of an area greater than 5,000 square feet shall submit a sedimentation and erosion control plan and a site grading plan to the Township prior to the start of such work. These plans may be subject to reviews by the Township Engineer and the County Conservation District. See also Section 807, "Preservation of Trees and Forests".
2. Grading Regulations.
  - A. Potentially unstable slopes, as determined by the Township Engineer, shall not be created. The Zoning Officer may require that the applicant provide certification from a Professional Engineer that finished slopes will be stable.
  - B. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
  - C. No grading shall be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
  - D. The Zoning Officer or Township Engineer may require that a sedimentation and erosion plan be prepared, submitted to the County Conservation District for review and compliance.
  - E. Materials used for fill as a future base for construction shall be non-biodegradable, well compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for building.
  - F. Steep Slopes. Provisions of Section 802 shall apply based upon the contours that existed prior to any re-grading.
3. Dumping. Dumping of junk or solid waste in other than an approved solid waste disposal facility or junkyard is prohibited.

**§ 602 Sewage Disposal.**

1. All methods of sewage and waste treatment and disposal shall meet the requirements of the PA Department of Environmental Protection and in accordance with the Official Township Sewage Facilities Plan, when applicable.
2. Re-certification of On-Lot Systems. Any on-lot or community cluster septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change or expansion of an existing use would cause an increase in sewage flows.
3. Back-Up System. Any lot using an on-lot septic system shall also include a tested open, unpaved land area that would be suitable for installing a second system if the first system failed.

4. On-Lot Systems and Lot Area. The minimum lot areas shall not apply if a testing of a site for a septic system results in a determination by the Sewage Enforcement Officer that a larger lot area is needed, in which case that larger lot area shall be the minimum.
5. Wastewater Amount. For all uses not connected to an approved central sewage treatment system that meets both State and Township requirements, an amount of wastewater shall not be generated for treatment through an on-site absorption area that is greater than an average of one equivalent dwelling unit per acre of lot area.

### **§ 603 Maximum Height Exceptions.**

1. Exemptions. No building or structure shall exceed the maximum building height specified in the relevant district regulations of this Ordinance, except that such standard shall not apply to farm silos, billboards, communications towers, amateur radio towers, water towers, belfries or steeples of places of worship/assembly, electrical transmission lines, windmills, as well as appurtenances usually required to be and customarily placed above the roof level of buildings, such as elevator shafts and chimneys. All structures shall be constructed in accordance with their respective regulatory and inspection entities. No portion of a structure above the maximum building height specified in the relevant district regulations of this Ordinance shall be intended for human occupancy or considered habitable.
2. Height and Aircraft. All uses are subject to any applicable regulations of the Federal Aviation Administration and the Pennsylvania Aviation Administration regulating the heights of structures within proximity of any airport. In addition, any structure designed to have a height of 150 feet or more above average surrounding ground level must present sufficient information to the Zoning Officer that the structure would not be a hazard to air traffic.

### **§ 604 Special Lot and Yard Requirements**

1. Exceptions to Minimum Lot Areas, Lot Widths and Yard Setbacks.
  - A. Nonconforming Lots per this Chapter.
  - B. Through Lots. Any lot having frontage on two (2) approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
  - C. Corner Lots. Setback areas equal to the minimum front yard setback shall be provided along all portions of a lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on existing developed adjoining lots fronting on the same street.
  - D. Projections Into Required Yards. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three (3) feet, except in a drainage or utility easement.

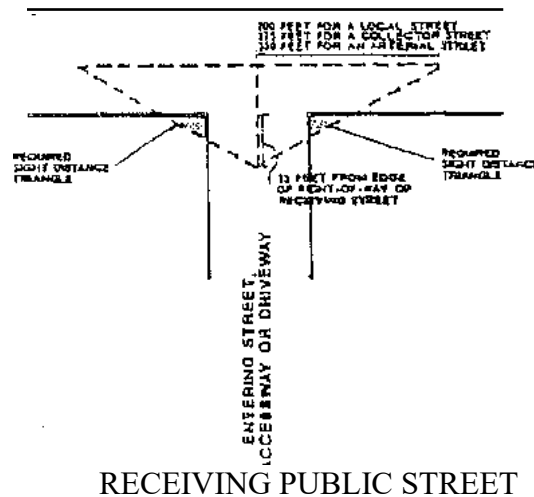


- E. Yard setbacks shall not apply to fences or central air conditioning units for individual dwellings, provided they do not extend onto an easement. For additional fence requirements, see Section 605.3.
  - F. Wood decks that are not enclosed, that are not covered by a permanent roof, and that are attached to a dwelling may extend a maximum of twenty (20) feet into a required rear yard setback. All decks must comply with the Township Building Code.
  - G. Where applicable, no setback shall be required for a residential patio provided all of the following conditions are met: a) the patio is neither covered by a permanent roof nor enclosed by walls, b) the patio is setback a minimum of ten (10) feet from any residential lot line other than a lot line along which dwellings are attached, and c) the patio is not raised more than three (3) feet above the ground level facing an adjacent dwelling.
  - H. Septic Systems. Nothing in this Ordinance shall prevent the Township Sewage Enforcement Officer from requiring a minimum lot size larger than what is stated in this Ordinance to carry out State and Township sewage regulations.
  - I. Previously Approved Setbacks. Where a residential subdivision was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, those approved setbacks may apply in place of the setbacks in this Ordinance.
  - J. Flag lots are prohibited in all districts.
2. Sight Distance at Intersections.
- A. Sightlines at Intersections.
    - (1) Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
    - (2) A sight distance triangle as illustrated in this Section and defined in Section 1202 shall be graded and kept free of sight obstructions between the ground level and a height of ten (10) feet, including structures, non-transparent fences, vegetation and signs (but not including signposts of less than one (1) feet in width or the trunks of deciduous trees).
    - (3) This sight distance triangle shall be shown on an official site plan and on any record plan that may be required. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
    - (4) If a driveway, accessway or street would enter onto a State street, the required sight distance shown on the official plan shall be the applicable minimum sight distance required by Penn DOT.
    - (5) If minimum sight distance requirements would not be established by Penn DOT, then the sight distance triangle shall be as follows: the triangle shall be measured based upon the intersecting point of the centerlines of the street receiving the traffic and the entering street, accessway or driveway. The sight distance triangle shall be established by a distance along the centerline of the receiving street (established

below) and a distance (measured along the centerline of the entering street, accessway or driveway) 25 feet back from the edge of the existing right-of-way of the receiving street. The following distances shall be used along the centerline of the receiving street in each direction from the intersection to establish the sight distance triangle:

- (a) 350 feet along the centerline of any arterial street;
- (b) 275 feet along the centerline of any collector street; and
- (c) 200 feet along the centerline of any local street.

B. Required sight distance triangle:



- (1) These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only one or two dwelling units that enters onto a local or collector street.
- (2) A sight distance triangle shall be apply for each direction of approach to an intersection.

**§ 605 Buffer Yards, Screening, Landscaping, and Fences/Walls**

1. Buffer Yards and Screening.

- A. General Buffer Yard Width. Where a buffer yard is required by this Ordinance, the buffer width shall be at least 50 feet, unless otherwise specified.
- B. Conflicts With Required Setbacks. In the case where a required buffer yard width exceeds the required yard setback specified in the Base Zoning District or within Sections 702, 502, 503, or 504, the greater buffer yard distance shall apply. The buffer yard planting requirement shall be met regardless of the minimum yard requirement.
- C. Adjacent Base Zoning Districts. Specific widths of buffer yards and screening shall be required for parcels sharing a boundary with parcels within a different type of Base Zoning District. Where there is a conflict between the requirements within this subsection and elsewhere within this Chapter, the greater buffer yard distance shall apply.
  - (1) District Types are designated in accordance with Section 201.
  - (2) Table X denotes the required buffer yard and screening for the subject parcel. The subject parcel is responsible for providing the required buffer yard and screening.
  - (3) Unless otherwise specified in Article VII, parcels within TD1 Agriculture do not have a required buffer yard when adjacent to a different District Type.

***Table X: Required Buffer Yards and Screening for Adjacent Zone Types***

| Adjacent Parcels by District Type |                        |   |
|-----------------------------------|------------------------|---|
| Subject Parcel District Type      | Adjacent District Type | Required Width of Buffer Yard & Screening |
| Mixed Use (TD6 only)              | Residential (TD2-5)    | 20 ft                                     |
| Mixed Use (TD7-8)                 | Residential (TD2-5)    | 50 ft                                     |
| Industrial (TD9-11)               | Mixed Use (TD6-8)      | 75 ft                                     |
| Industrial (TD9-11)               | Residential (TD2-5)    | 100 ft                                    |

- (4) Location of Buffer Yards.
  - (a) The buffer yard shall be measured from the district boundary line or lot line.
  - (b) If a district boundary line aligns with a right-of-way of center line of a street, then the right-of-way line adjacent to the subject parcel shall mark the beginning of the buffer yard measurement.
  - (c) If a future or ultimate right-of-way line exists, then such line shall mark the beginning of the buffer yard measurement. Therefore, no part of a buffer yard

shall not be located within any future or ultimate street right-of-way.

- (d) Subject parcels within the TD6 are not required to provide a buffer yard along a front lot line or any right-of-way line.
- (e) Any subject parcels shall not be required to provide a buffer yard for an adjacent residential use or district if they are separated by an expressway.

D. Characteristics of Buffer Yards.

- (1) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicular parking. No new driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- (2) Maintenance. In all buffer yards, all areas not covered by trees and shrubs shall be well maintained in an all-season natural ground cover (such as grass) and shall be kept free of debris and rubbish and shall not involve grass more than twelve (12) inches in height.
- (3) Preservation of existing vegetation or slopes. Where a buffer yard would be required and an existing tree line, thick vegetation or steep slopes presently serves as a natural buffer, this buffer shall be maintained for the applicable required width. If there is no such existing vegetation or slopes present, the applicant shall be required to plant a buffer yard in accordance with this Section and any other applicable requirements.
- (4) If a substantial natural berm or slope or dense vegetation will be maintained and will be substantial enough to meet the buffer provisions of this Section, or if topographic conditions or the creation of berms by the developer would clearly relieve the need and cause for screening, the Zoning Officer may waive the required evergreen screening.
- (5) Fence. Any fence that may be constructed shall be on the inside (closest to the interior of the lot) of any required evergreen screening.
- (6) Earth Berms. If an earth berm is required by a provision of this Ordinance, it shall meet the following requirements:
  - (a) The berm shall have a minimum average height of eight (8) feet above the average finished ground level (disregarding drainage channels) measured adjacent to the slope closest to the lot line.
  - (b) The entire earth berm, composed of a mix of native and evergreen plantings, shall be covered by a well-maintained and attractive all-season .No grass shall be permitted. The berm shall be continuous along such boundary, except: a) at approved driveway entrances and exits, and b) along segments where it is impossible to provide such berm while still providing adequate sight distance for traffic, and c) where otherwise specified in this Ordinance.
  - (c) The toe of a berm must be a minimum of five (5) feet from the property line.
  - (d) The berm shall have a maximum side slope of three (3) horizontal to one (1) vertical.

(e) The berm may be located within a required buffer yard.

E. Characteristics of a Planting Screen.

- (1) Each buffer yard shall include a planting screen of native trees or shrubs extending the full length of the lot line.
- (2) Each planting screen shall be in accordance with the following requirements and placed on the recorded plan:
  - (a) Unless otherwise regulated elsewhere within this Ordinance, the planting screen shall include at least one (1) row of plantings consisting of a mixture of deciduous and evergreen trees, of which a minimum of sixty percent (60%) are evergreen, spaced at intervals no greater than ten (10) feet apart, measured from the vertical centerline of the trees.
  - (b) Required evergreen plant materials shall have a minimum height of eight (8) feet when planted; deciduous plantings shall be a minimum height of twelve (12) feet when planted.
  - (c) The planting screen shall be permanently maintained by the landowner. Any plant material that perishes within twelve (12) months of planting shall be replaced.
  - (d) The planting screen shall be so placed that at maturity it will be at least 8 feet from any cartway and will not grow over an exterior lot line.
  - (e) The planting screen shall be broken only at points of vehicular or pedestrian access and shall comply with the sight distance requirements of this Chapter.
  - (f) A mix of native and evergreen trees (as opposed to shrubs) shall be planted at off-sets to allow space for future growth, as per Township Construction Standards. Any bufferyard required to be one hundred (100) feet or greater shall be planted with a depth of plantings no less than thirty-five (35) percent its overall bufferyard depth.

F. Plans.

- (1) Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan and Site Plan Review application, the applicant shall submit plans showing:
  - (a) The location and arrangement of each buffer yard;
  - (b) The placement, species and size of all plant materials; and
  - (c) The placement, size, materials and type of all fences to be placed in such buffer yard.
- (2) The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.
- (3) In the case of a buffer yard shown on a subdivision or land development plan or Site Plan Review application, the buffer shall be reviewed by the Township Planning Commission and must be approved by the Township Board of Supervisors.

- G. Species of Plantings. Required plantings shall be only those species within the Township's approved list of plant species, which is held on file at the Township's Office, unless the applicant proves to satisfaction of the Planning Commission or Zoning Officer that a substitution would be appropriate.

## 2. Landscaping

- A. Groundcover. Any part of a commercial, industrial or institutional lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained natural groundcover, and shall be landscaped with trees and shrubs. Mulch is not allowed along any new structure, and mulch beds are not considered vegetative cover without shrubs or trees. Groundcover shall not be substituted for required screening materials.
- B. See Section 1003.8, Paved Area Landscaping, Section 1003.9, Parking Lot Screening, Section 605.1, Buffer Yards and Screening, and any applicable Street Tree Requirements of the Subdivision and Land Development Ordinance. No landscaping within parking areas shall be placed or allowed to grow to obscure the vision of drivers within the parking lot. Generally, shrubs shall be low growing and not provide a visual barrier to drivers at a height between two (2) and four (4) feet.

## 3. Fences and Walls.

- A. Unless otherwise stated, these uses shall be allowed in all Districts.
- B. Sight Distance. No fence or wall shall obstruct the sight distance requirements of Section 604.2., nor obstruct safe sight distance within an alley.
- C. Fences
  - (1) Any fence located in the front yard of a use in the residential districts shall have a minimum ratio of 3:1 of open to structural areas, shall not exceed five (5) feet in height and shall be constructed entirely of wood, PVC, or aluminum (and any required fasteners).
  - (2) Fences shall not be required to comply with the rear and side yard setbacks for accessory structures unless the fence would abut a public street.
  - (3) A fence located on a residential lot shall have a maximum height of six (6) feet. Any other fence in a residential district shall not exceed ten (10) feet.
  - (4) A fence shall not be required to comply with accessory structure setbacks, except that no fence shall be built within ten (10) feet of the future right-of-way line of a street and a fence in a residential district shall be setback from the property line the following distances:
    - (a) Single-Family Detached Dwelling – minimum 1.5 feet
    - (b) Townhouse Dwellings
      - 1) along the common side lot line: no minimum setback

- 2) any side yard not adjacent to a common side lot line: minimum 1.5 feet
- (c) Semi-detached dwellings, common side lot line - no setback Semi-detached dwellings, other side yard – minimum 1.5 feet
- (5) No fence shall be located within the paved area setback required under Section 1003.
- (6) Any fence that has one side that is smoother and/or more finished than a second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed.
- (7) No fence shall be located in an access, drainage or utility easement unless approved by the Board of Supervisors. The permittee must agree to be responsible for all legal costs incurred by the creation and approval of an Easement Agreement with the Township and recorded in the Office for the Recording of Deeds in and for Northampton County, if approved.
- (8) No part of this Ordinance shall prohibit a developer from establishing Deed restrictions or homeowner association regulations that further restrict the height, location and material of fences in addition to those set forth herein.

D. Walls.

- (1) Engineering retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section and are permitted by right as needed in all Districts.
- (2) No wall shall be located in the required front yard in a residential district, except as a backing for a Permitted sign at an entrance to a development and except for a decorative wall with a maximum height of three (3) feet.
- (3) A wall in a residential district shall have a maximum height of one (1) foot for every two (2) feet if it is setback from a lot line, up to a maximum height of six (6) feet.
- (4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.

E. Gates. All fences, walls or continuous hedges more than four (4) feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

**§ 605.1 Dumpsters.**

1. If visible from a public road, nonresidential dumpsters shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.
2. Dumpsters and their enclosures shall not be located closer than twenty-five (25) feet to any front yard property line or closer than ten (10) foot to any side or rear yard property line.
3. Setback from Dwellings: An outdoor dumpster for commercial/industrial use shall be kept the maximum distance that is feasible away from any abutting dwelling (maximum distance shall

be approved by the Board of Supervisors and/or Zoning Hearing Board).

4. Dumpsters shall be completely enclosed, and the lid shall be kept in place at all times. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the municipality.
5. This section shall not apply to dumpsters placed temporarily on a lot during actual construction or demolition on the premises, or for temporary residential use. See Section 611.

**§ 606 Establishment of Future Right-of-Way Widths for Streets.**

1. Purpose. Minimum future right-of-way widths are established for streets where the existing right-of-way is less than that indicated in this section for the particular class of street. These future rights-of-way are designed to reserve adequate rights-of-way for future circulation improvements, including street widening, shoulders, bikeways and sidewalks, and to provide rights-of-way for needed public sewer and water lines.
2. Dedication of Future Right-of-Way. See any requirements in the Township Subdivision and Land Development Ordinance.
3. Measurement.
  - A. The future right-of-way shall be measured with one-half on either side of the center line of the existing right-of-way. If the existing right-of-way is clearly significantly off-center of the cartway, the centerline of the cartway shall be used. Regardless of whether the future right-of-way is actually dedicated, the minimum yards shall be measured from the future right-of-way distance that would apply if the future right-of-way would be dedicated.
  - B. The specific classification of each street is shown on the Township's Official Circulation Plan.
4. Minimum Widths. The following future rights-of-way for future circulation improvements shall be reserved along each street, unless a differing right-of-way is required by the Township Subdivision and Land Development Ordinance or the Board of Supervisors may approve a reduction in the minimum future right-of-way:
  - A. Expressway: Minimum 120 feet.
  - B. Arterial Street: Minimum 80 feet.
  - C. Collector Street: Minimum 60 feet.
  - D. Local Street: Minimum 50 feet.
5. Ownership and Maintenance. If the Township or PennDOT do not accept dedication of a future right-of-way at the time of development of a use, that land shall remain a part of the adjacent lot and be reserved for future dedication until such time as the Township or PennDOT agree to accept dedication.



**§ 607 Industrial and Commercial Driveways.**

1. A driveway or accessway serving commercial or industrial use shall be deemed to be integral with such use and shall not be a permitted use in a residential district. This restriction shall not apply to a driveway or accessway that will be clearly limited to use by only emergency vehicles.

**§ 608 Access onto Arterial Streets.**

1. See the Township's Official Circulation Plan.
2. For additional requirements for lots within the Route 191 Corridor Overlay, see Section 403.
3. Access.
  - A. Each lot with less than 150 feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with 150 feet or more feet of total frontage on an arterial street shall have more than two (2) access points involving left-hand turns onto any such arterial street.
    - (1) This provision shall not apply to the following: 1) construction of new streets onto an existing arterial street, or 2) access points that are clearly limited to use by only emergency vehicles.
    - (2) A separate ingress point and a separate egress point shall be considered one access point, if well-marked.
  - B. Where practicable, access to 2 or more lots shall be combined to minimize the number of access points onto an arterial street. Shared parking lots are strongly encouraged. See possible reduction of parking requirements in Section 1005.
  - C. See the access control provisions of the Township Subdivision and Land Development Ordinance.
  - D. Wherever possible, a system of interior access (such as common driveways, parking courts and accessways) shall be provided that minimizes access points onto all adjacent public streets.

**§ 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.

**§ 610 Posting of Address.**

1. Every principal building shall post its street number (if one has been established) in such a prominent place that it can be clearly viewed from a public street. All address numbers must be reflective or backlit, and contrasted with their background, in order to be seen clearly at night. All doors at the rear of a commercial business shall be labeled with the address of the business and name.
2. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.
3. Where required by the Fire Department, address identification shall be provided in additional approved locations to facilitate emergency response.
4. Size of Street Numbers. Each character shall be a minimum of 4" high for residential uses and 24" high for non-residential uses.

**§ 611 Commercial and/or Industrial Buildings-Master Key, Knox Boxes.**

1. Buildings - General. All new and/or industrial buildings constructed after October 31, 1996 and all existing commercial and/or industrial buildings which undergo remodeling in excess of \$1,000 after the aforementioned date shall be provided with a Master Key Knox Box at a location approved by the Fire Department. Such box shall be provided with Master Keys necessary for access to all portions of the premises. Such Box and Keys shall be provided prior to issuance of a Certificate of Occupancy.
2. Application for Approval. Application for approval of compliance with subsection 1 above shall be made to the local Fire Department.
3. Buildings with Elevators. All buildings equipped with elevators shall be provided with a Master Key Knox Box as in subsection 1 above.
4. Knox Box. All Knox Boxes must be a "commercial type" Knox Box.
5. Keys to Establishments. The owner and tenant are responsible for assuring that the correct key which opens the establishment is within the Knox Box at all times. It shall be a violation of this Ordinance to have the incorrect key in the Knox Box at any time.
6. The Knox Box shall be placed at a location to be determined by the Hecktown Fire Company.
7. An approved lock shall be installed on gates or similar barriers where required by the local Fire Department.

**§ 612 Solar Photovoltaic (PV) System.**

1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. This Section seeks to:
  - A. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
  - B. Reduce overall energy demands within Lower Nazareth Township and promote energy efficiency.
  - C. Integrate alternative energy systems seamlessly into the Township's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
2. Applicability.
  - A. This Section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of this Ordinance.
  - B. Solar photovoltaic systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.
3. Permitted Zoning Districts.
  - A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance

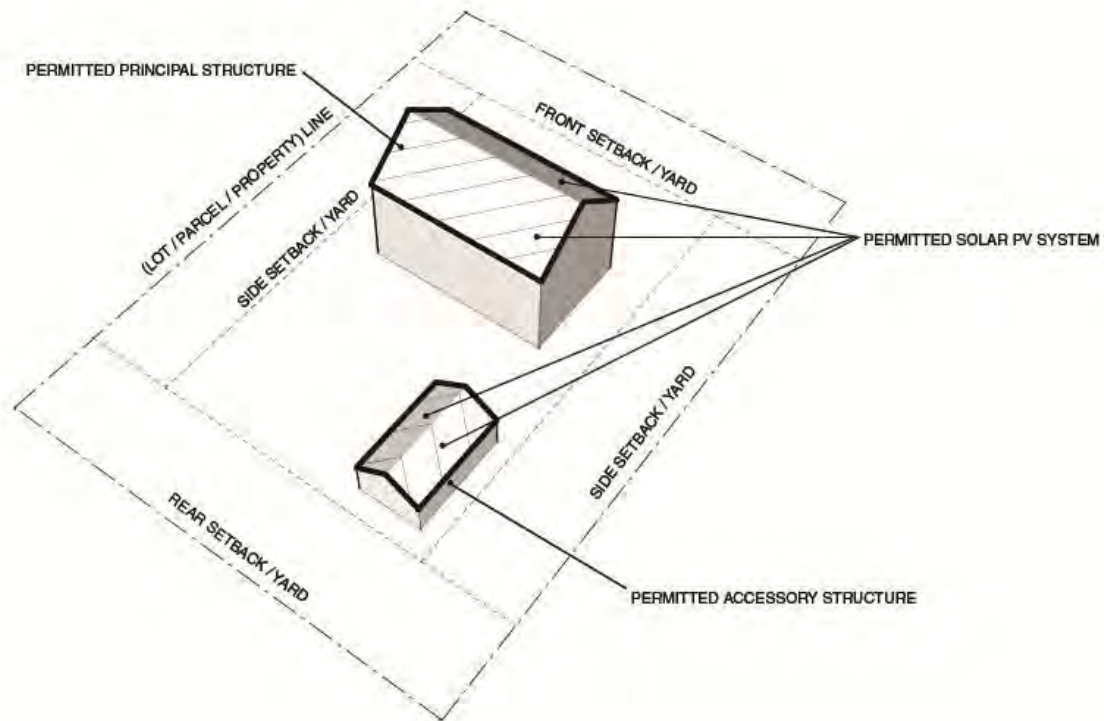
of the proper permit pursuant to Section 109 and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.

- B. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

4. Location within a Lot.

- A. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in Section 1202 of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



5. Design and Installation Requirements.

- A. The solar photovoltaic system shall be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted by Lower Nazareth Township, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC.

6. Setback Requirements.

- A. Ground-mounted systems accessory to a principal residential use are subject to the accessory use or structure setback requirements in the zoning district in which the

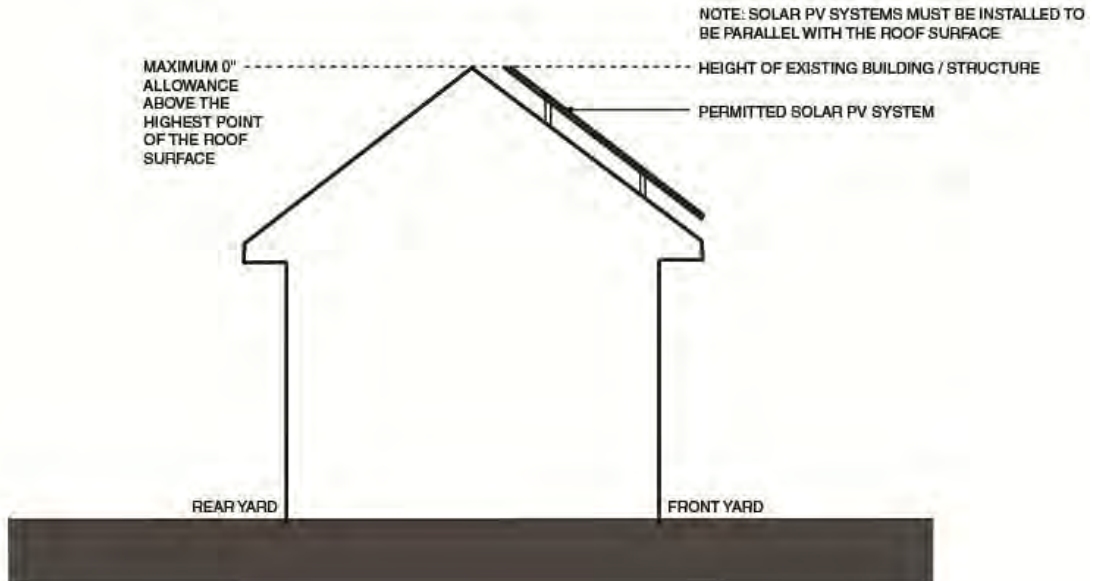
system is to be constructed.

- B. Exception: Ground mounted systems shall not be permitted between the architectural front of the principal structure and the right-of-way.
- C. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar photovoltaic related equipment or parts.

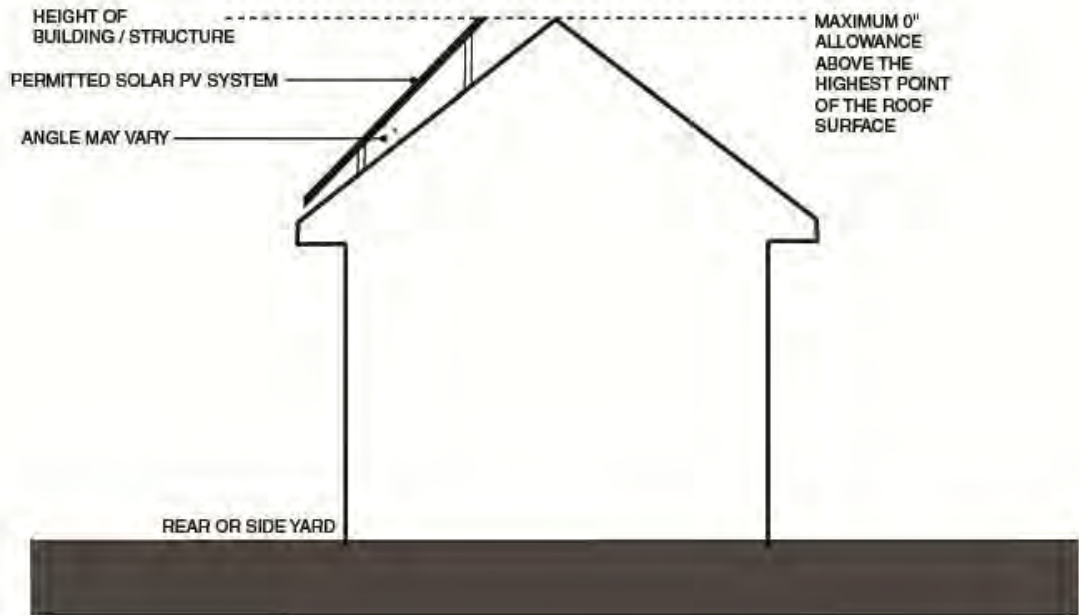
7. Height Restrictions.

- A. Notwithstanding the height limitations of the zoning district:
  - (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of thirty-six (36) inches between the roof and highest edge or surface of the system.
  - (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

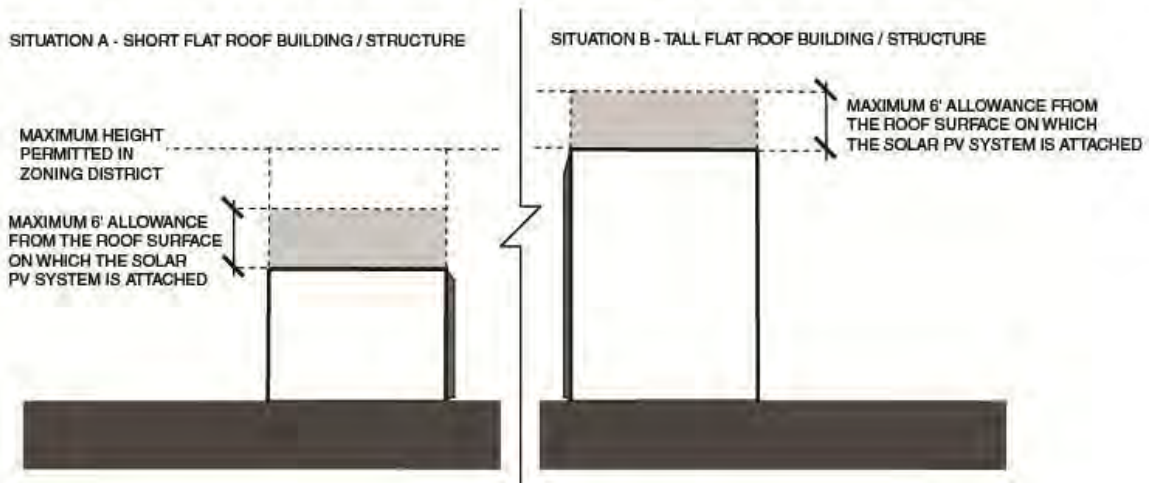
**HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**



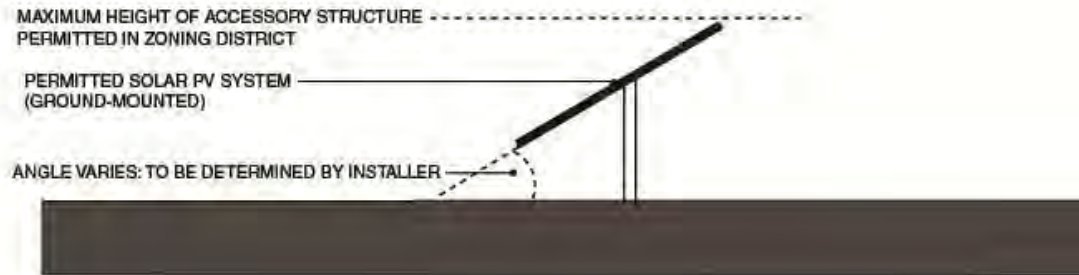
**HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**



**HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC**



**HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM  
ELEVATION**



- B. Notwithstanding the height limitations of the zoning district:
  - (1) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
  - (2) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar photovoltaic system is to be installed.

8. Screening and Visibility.

- A. Ground-mounted Systems shall be screened from adjoining residential uses or zones according to the standards found in Section 605 of this Chapter.
- B. Exception: Screening from residential uses shall not be required in the TD1 Agriculture, TD6 Village Mixed Use, TD7 Suburban Mixed Use, TD8 Regional Mixed Use, TD9 Contracting, Craftsman, and Artisan, TD10 Assembly and Distribution, and TD11 Manufacturing, Extraction, and Processing.
- C. Building-mounted systems on a sloped roof shall not be required to be screened.

9. Impervious Lot Coverage.

- A. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the maximum lot coverage standards listed in Article III for the respective base zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the property lot coverage limitations for the zoning district.
- B. Ground mounted systems complying with all of the following conditions shall not be considered impervious lot coverage:



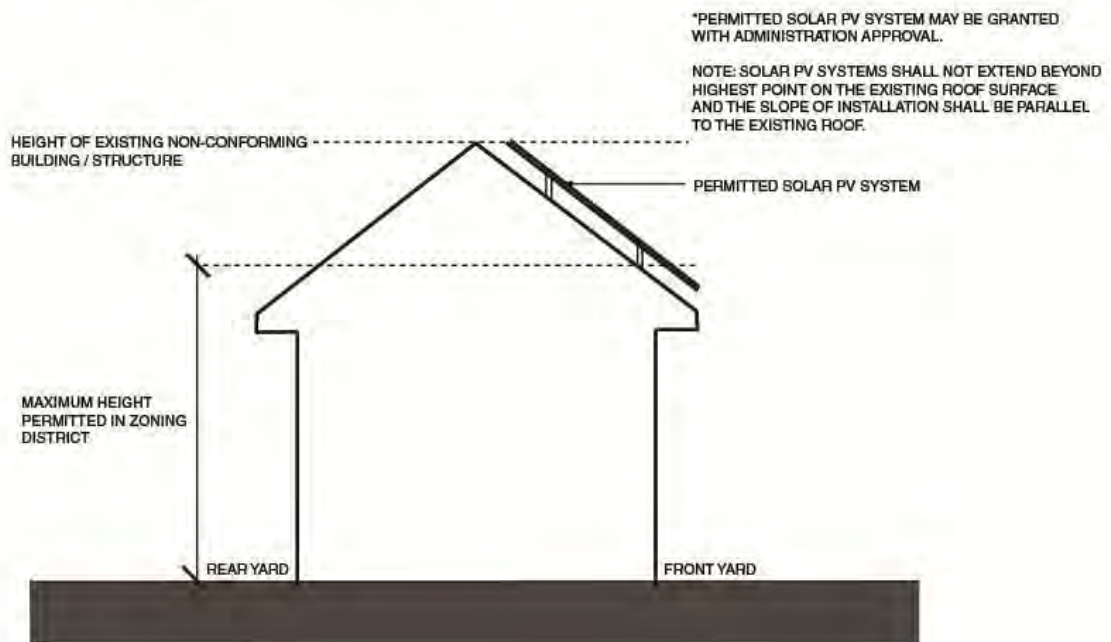
- (1) Projects where earth disturbance and grading activities are minimized and where natural vegetative cover is preserved and/or restored. The utilization of low impact construction techniques must be used. Refer to BMP 5.6.1: Minimize Total Disturbed Area – Grading, BMP 5.6.2: Minimize Soil Compaction in Disturbed Areas, and BMP 5.6.3: Re-Vegetate and Re-forest Disturbed Areas, Using Native Species from the PA Stormwater Best Management Practices Manual, Department of Environmental Protection, No. 363-0300-002, (December 30, 2006).
  - (2) The vegetative cover must have a minimum uniform 90 percent perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation. The 90 percent standard exceeds the 70 percent standard as in 25 Pa. Code § 102.22(a)(i), as the vegetation may be typically the primary and only BMP used for solar panel farms.
    - (a) A meadow condition is preferable especially for projects located on slopes between 5-10 percent.
    - (b) If areas under the solar panels must be mowed, then the vegetative cover should not be cut to less than 4 inches in height.
    - (c) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with an approved E&S Plan.
- C. The individual photovoltaic panels within an “array” are arranged in a fashion that:
- (1) Allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff.
  - (2) Allows for the growth of vegetation beneath the panel and between “arrays.”
- D. Ground mounted solar panels that are supported with structures/foundations require little earth disturbance for their installation/construction. Unless evidence is provided to the contrary, it will be assumed that for these ground mounted solar panels themselves (not including access drive, etc.) will disturb five (5) percent of the total project area.
- E. Solar panels must be situated on slopes of ten (10) percent or less.
- F. The lowest vertical clearance of the solar “array” should be ten (10) feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the “array”. Limiting the height of the solar “array” will minimize the potential for accelerate erosion to occur along the drip line of the solar “array”.
- G. Alternate designs may be proposed for review and consideration to the Zoning Officer in consultation with the Township Engineer. If found by the Zoning Officer and Township Engineer to be a demonstrably acceptable alternative, then the proposal shall be forwarded to the Board of Supervisors.
- H. The Board of Supervisors may, at their sole discretion, approve the alternative design.

10. Non-conformance.

A. Building-mounted systems:

- (1) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and provided it complies with the other provisions of this Ordinance.

**NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**

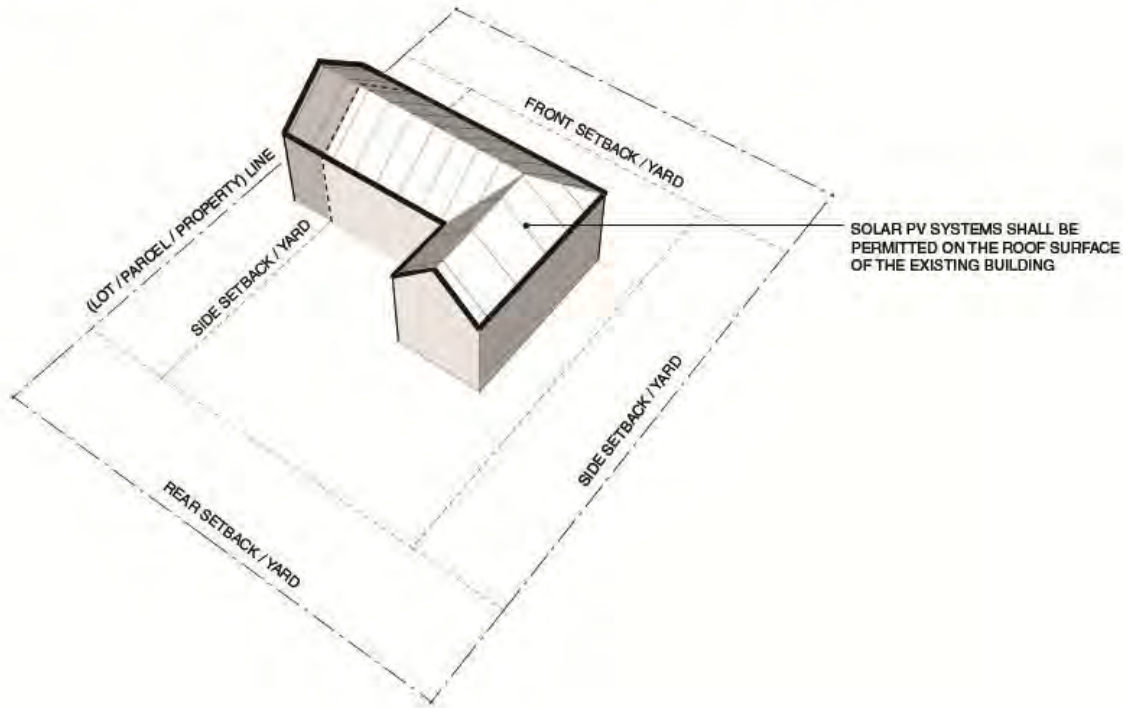


- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

LOWER NAZARETH TOWNSHIP ZONING ORDINANCE, Article VI  
Adopted December 13, 2023

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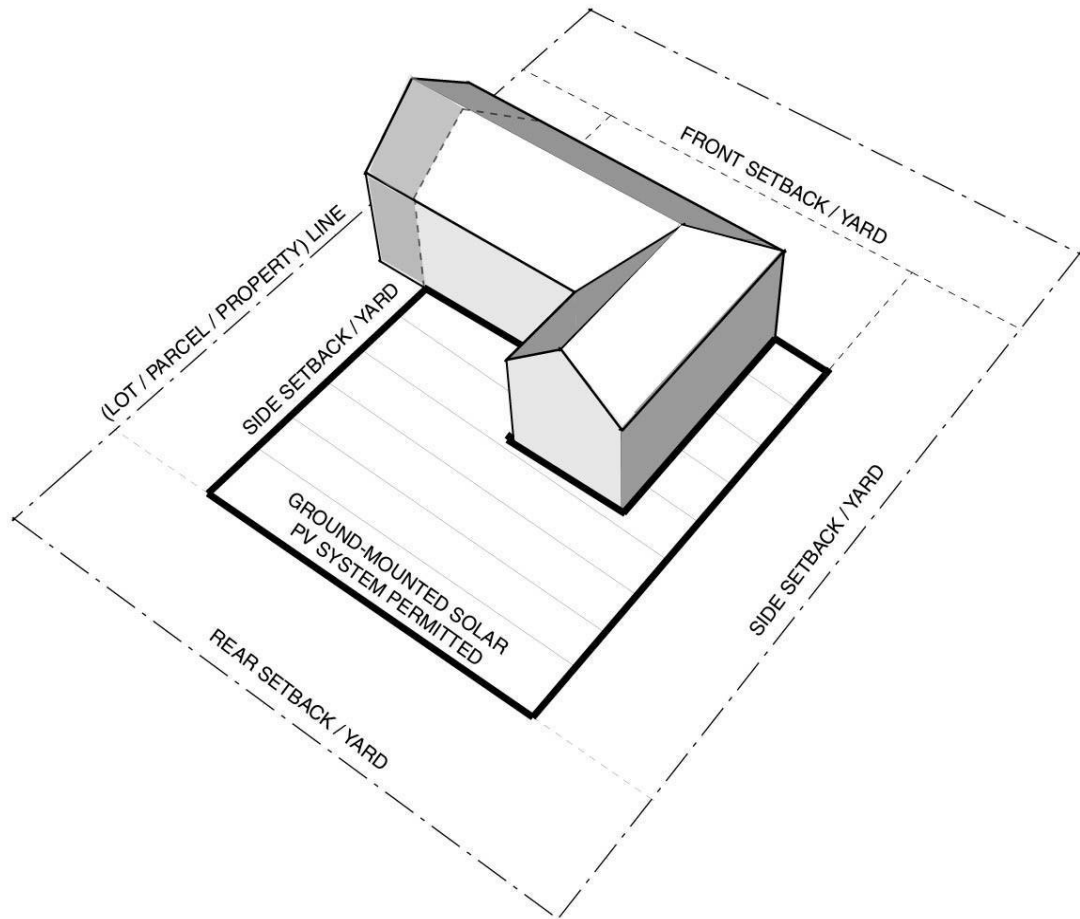
**NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



B. Ground-mounted systems:

- (1) If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



11. Signage.

- A. No signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- A. All solar photovoltaic systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

13. Inspection, Safety and Removal.

- A. The Township reserves the right to inspect a solar photovoltaic system for building or fire code compliance and safety.
- B. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a

reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.

- C. If a property owner fails to repair or remove a solar photovoltaic system as ordered, and any appeal rights have been exhausted, the Township may enter the property, remove the system and charge the property owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
- D. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar photovoltaic system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, six (6) percent interest per annum, plus a penalty of five (5) percent of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.

14. Permit Requirements.

- A. Before any construction or installation on any solar photovoltaic system shall commence, a permit issued by Lower Nazareth Township shall be obtained to document compliance with this Ordinance.

**§ 613 Small Wind Energy Systems.**

- 1. Intent. The intent of these regulations is to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility- supplied electricity.
- 2. Review and Permitting.
  - A. A small wind energy system shall be permitted as an accessory use on any lot of at least 1 acre in size located in the TD1 Agriculture district, subject to compliance with the following ordinance provisions:
    - (1) A zoning permit shall be required for the installation of a small wind energy system. No more than one small wind energy system may be placed on any lot.
    - (2) In addition to any other requirements or application procedures, the zoning permit application shall be accompanied by a plot plan that includes the following:
      - (a) Property lines and physical dimensions of the property.
      - (b) Location, dimensions, and types of existing principal and accessory structures on the property.
      - (c) Location of the small wind energy system tower.
      - (d) The right-of-way delineation of any public road that is contiguous with the property.

- (e) Any overhead utility lines.
- (f) Any easements.
- (g) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (h) Detailed tower and tower foundation drawings, stamped and sealed by a Pennsylvania licensed professional engineer.
- (i) A map of the 200-foot area surrounding the subject property showing all affected lands and structures at a legible scale.

3. Tower Height.

- A. Tower heights of not more than 80 feet shall be allowed on parcels between 1 and 2 acres. Properties over 2 and up to 5 acres may have tower heights up to and including 140 feet. For property sizes of 5 acres or more, there is no limitation on tower height except as imposed by FAA regulations, provided that evidence is provided that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

4. Setbacks.

- A. Setbacks for the system tower shall be no closer to the property line than the height of the system and, no part of the system, including guy wires anchors, may extend closer than 10 feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 6 feet above the guy wire anchors.

5. Compliance.

- A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.
- B. Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis may be supplied by the manufacturer.
- C. Small wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
- D. Small wind energy systems shall comply with all applicable State construction and electrical codes. The owner/operator of the small wind energy system must also obtain any permits required by other Federal, State and local agencies/departments prior to erecting the system.

6. Noise and Interference. See Township Ordinance No. 45.

7. Appearance and Lighting.

- A. The small wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, or other decorative items that extend from any part of the system, placed on it at any time.
- B. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

8. Safety Features.

- A. The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- B. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of 8 feet above the ground elevation.
- C. All electrical wires associated with a small wind energy system shall be located underground when practicable. All wires not located underground including, but not limited to, wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires, shall be contained within an appropriate conduit suitable for same.
- D. No portion of the small wind energy system blade shall extend within 20 feet of the ground.

9. Notification.

- A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an inter connected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- B. When application is made for approval of a small wind energy system, notification in written form shall be provided to the owners of all properties adjacent and within 200 feet of the lot on which the system is to be constructed.

10. Meteorological Towers.

- A. A meteorological tower shall be permitted under the same standards, permit requirements, and procedures as a small wind energy system.

11. Removal.

- A. A small wind energy system that is out-of-service for a continuous 12- month period will be deemed to have been abandoned. Non-function or lack of operation may be proven by reports from the interconnected utility. The owner/operator shall make

available to the zoning administrator all reports to and from the purchaser of energy from the small wind energy system if requested.

- B. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of notice of abandonment. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

12. Violations.

- A. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this Section or any condition contained in a building permit issued pursuant to this Section. Small wind energy systems installed prior to adoption of this Section are exempt.

**§ 614 Small Wireless Facilities.**

1. Purpose. The purpose of this Section is to establish policies and procedures for the placement of Small Wireless Facilities and associated utility poles in rights-of-way within Lower Nazareth Township, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township's rights-of-way and the Township as a whole.

2. Intent. In enacting this Chapter, the Township is establishing uniform standards to address issues presented by Small Wireless Facilities, including, without limitation, to:

- A. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;
- B. Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- C. Limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- D. Limit environmental damage, including damage to trees;
- E. Respect the character of the neighborhoods and other areas in which facilities are installed; and
- F. Facilitate rapid deployment of Small Wireless Facilities to provide the benefits of advanced wireless services to the Township and its residents.

3. Fees.

- A. All fees associated with application permits and/or right-of-way use shall be required in accordance with the Lower Nazareth Township Schedule of Fees
- B. Township may amend the fee from time to time by resolution of the Township Commissioners to a rate not to exceed the maximum rate which is found to be permitted by the Federal Communications Commission and/or Small Wireless Facilities Deployment Act.



4. Permitting Process.

- A. Permits required. An application is required to be submitted to obtain a permit to perform any of the following work within the right-of-way. For the purpose of this section, the term “right-of-way” does not include a Federal interstate highway.
- (1) Collocate, maintain and modify Small Wireless Facilities.
  - (2) Replace existing utility poles for collocation.
  - (3) Install new utility poles with attached Small Wireless Facilities.
- B. Permits not required. An application is not required for the following:
- (1) Routine maintenance.
  - (2) The replacement of a Small Wireless Facility that is substantially similar or smaller in size, weight, and height.
  - (3) For the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.
  - (4) Except that a permit may be required to perform work within the right-of-way that involves excavation, closure of a sidewalk or closure of a vehicular lane.
- C. Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, on a form, paper or electronic, provided by the Township and shall contain the following:
- (1) The wireless provider's name, address, telephone number, and e-mail address.
  - (2) The applicant's name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work.
  - (3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
  - (4) A general description of the proposed work and the purposes and intent of the Small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
  - (5) A site plan in accordance with § 102, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
  - (6) An attestation that the Small Wireless Facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.

- (7) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.
  - (8) When applicable, whether each Small Wireless Facility is proposed to be installed on an existing pole or structure or a new pole or structure.
  - (9) When applicable, the name of the owner of the pole or structure on which the Small Wireless Facility is proposed to be installed and the address, phone number, email address of the owner's contact person.
  - (10) If a Small Wireless Facility is proposed to be installed on a pole or structure owned by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each Small Wireless Facility on such owner's pole or structure.
  - (11) Documentation of both narrative and drawings indicating the size of each proposed Small Wireless Facility, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each Small Wireless Facility.
- D. Consolidated Applications. An applicant may submit a consolidated application for up to twenty (20) Small Wireless Facilities.
- (1) An applicant shall not exceed one (1) application for twenty (20) Small Wireless Facilities in a thirty (30) day period.
  - (2) The denial of one or more Small Wireless Facilities in a consolidated application shall not delay processing of any other Small Wireless Facilities in the same consolidated application.
  - (3) If the Township receives more than one (1) consolidated application or twenty (20) single applications within a forty-five (45) day period, the processing deadline shall be extended fifteen (15) days in addition to the ten (10) day processing and initial review.
5. Action on Permit Applications.
- A. Application review for completeness. Within ten (10) business days of receiving an application, the Township shall determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.
  - B. Deadlines. An application shall be processed on a nondiscriminatory basis and deemed approved if Township fails to approve or deny the application within sixty (60) days of receipt of a complete application to collocate and within ninety (90) days of receipt of a complete application to replace an existing utility pole or install a new utility pole with Small Wireless Facilities attached. A permit associated with an application deemed approved under this subsection shall be deemed approved if the Township fails to

approve or deny the permit within seven business days after the date of filing the permit application with the Township unless there is a public safety reason for the delay.

C. Denial.

(1) A Township may deny an application under this section only if any of the following apply:

- (a) The Small Wireless Facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement.
- (b) The Small Wireless Facility fails to comply with applicable codes.
- (c) The Small Wireless Facility fails to comply with the requirements specified under Small Wireless Facilities Deployment Act.
- (d) The applicant fails to submit a report by a qualified engineering expert which shows that the Small Wireless Facility will comply with applicable FCC regulations.

(2) Within the timeframe established under subsection B, the Township shall document the basis for a denial, including the specific provisions of applicable codes on which the denial was based, and send the documentation to the applicant within five (5) business days of the denial.

(3) The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

D. Utility Poles. When applying to install a new utility pole under this act, the Township may require the wireless provider to demonstrate that it cannot meet the service reliability and functional objectives of the application by collocating on an existing utility pole or municipal pole instead of installing a new utility pole. The Township may require the wireless provider to self-certify that the wireless provider has made this determination in good faith and to provide a documented summary of the basis for the determination. The wireless provider's determination shall be based on whether the wireless provider can meet the service objectives of the application by collocating on an existing utility pole or municipal pole on which:

- (1) The wireless provider has the right to collocation.
  - (2) The collocation is technically feasible and would not impose substantial additional cost.
  - (3) The collocation would not obstruct or hinder travel or have a negative impact on public safety.
6. Approval. Approval of an application authorizes the applicant to:
  - A. Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with Small Wireless Facilities attached as identified in the initial application.
  - B. Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain Small Wireless Facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five (5) years, which shall be renewed for two (2) additional five (5) year periods if the applicant is in compliance with the criteria set forth in this act or applicable codes consistent with the Small Wireless Facilities Deployment Act and the applicant has obtained all necessary consent from the utility pole owner.
  - C. Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the right-of-way.
7. Design Criteria.
  - A. Permitted Locations.
    - (1) New utility poles and relocated utility poles shall only be placed:
      - (a) At lot lines.
      - (b) At existing utility easements other than parallel to the right-of-way.
      - (c) At roadway intersections.
      - (d) Within lot lines of lots exceeding four hundred (400) linear feet of frontage, but not in front of any occupiable structure.
      - (e) Outside of any required clear sight distance restrictions.
  - B. Restricted Locations.
    - (1) Wireless facilities may not be located within any established visual or sightline easement.
    - (2) Wireless facilities may not be located in underground districts.
    - (3) Any area, development, neighborhood, street, etc. without above ground utilities other than Township poles and attachments shall be considered an underground district.

- (4) Except the Township Engineer and Zoning Officer may authorize the replacement of Township poles in the designated area upon good cause shown, as determined by the Township Engineer and Zoning Officer.
- (5) Wireless facilities in any area, development, neighborhood, street, etc. with only Township approved streetlights or Township poles and attachments as above ground utilities, may only be installed on a new or replacement pole with approval of the Zoning Officer and Township Engineer.

C. Size Limits.

- (1) Each new or modified Small Wireless Facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
  - (a) The installation of a Small Wireless Facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
  - (b) If collocation on an existing utility pole cannot be achieved under section 4(i) of the Small Wireless Facilities Deployment Act, a Small Wireless Facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and Small Wireless Facility, shall not be taller than fifty (50) feet above ground level.
- (2) Subject to the provisions of this act, a wireless provider may collocate or install a new utility pole with Small Wireless Facilities attached that exceeds these height limits by including a height limit waiver request or variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.
- (3) Small Wireless Facility installations shall be limited as follows:
  - (a) The total volume of antennas shall not exceed nine (9) cubic feet per utility pole; and
  - (b) The total volume of the antenna and associated equipment shall not exceed twenty-eight (28) cubic feet per utility pole.
- (4) No wireless equipment shall be installed less than:
  - (a) Eighteen (18) feet above a vehicular way; or
  - (b) Ten (10) feet above pedestrian way, except where projection beyond the utility pole is less than four (4) inches.

8. General Design Requirements.

- A. The Township may adopt by resolution Small Wireless Facility Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably matches the aesthetics and character of the immediate area. Technically feasible shall be interpreted as by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

- B. The Small Wireless Facility Design Guidelines may include Small Wireless Facility preferences including visual depictions.
- C. The provisions in this Ordinance shall not limit or prohibit the Township’s discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.
- D. All Small Wireless Facilities and associated equipment located within the public right-of-way shall be located such that it meets all accessibility & ADA requirements, does not hinder, obstruct, or impede usual pedestrian and vehicular traffic.
- E. The Township shall have the authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative process.
- F. Wireless Support Structure and Utility Pole Design Standards.
  - (1) General Guidance.
    - (a) Small Wireless Facility equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
    - (b) All wires, antennas, and other Small Wireless Facility equipment shall be enclosed and not visible.
    - (c) Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.
    - (d) Casing to enclose all wires, antennas, and other Small Wireless Facility may be mounted on top of existing and new poles in a cylinder shape to look like a natural extension of the pole. Such mounting shall be in accordance with size limits.
    - (e) Utility pole installations, replacements, and modifications relating to Small Wireless Facility collocations shall be fabricated from material having a degree of strength capable of supporting the Small Wireless Facility, and shall be capable of withstanding wind forces and ice loads in accordance with applicable Township and State codes.
    - (f) Wires and cables connecting the antenna and appurtenances serving the Small Wireless Facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the Small Wireless Facility interfere with any wiring or

cabling installed by a cable television or video service operator, electric utility, or telephone utility.

- (g) Guy wires and similar support structures may not be used as part of the installation of any Small Wireless Facility, unless the Small Wireless Facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small wireless application.
- (h) Brand logos and other signage are prohibited on all Small Wireless Facilities except contact information to be used by workers on or near the Small Wireless Facilities and as otherwise required by state or federal law. Signage will be no larger than required to be legible from street level.

G. Waivers.

- (1) A Wireless Provider may seek a waiver of the requirements in Section 6, which may be granted by the Township Engineer and Zoning Officer or their designee, upon good cause shown, as determined by the Township Engineer and Zoning Officer. Such waivers shall be granted in a nondiscriminatory manner.

9. Time Limit for Work.

- A. The proposed collocation, the modification or replacement of a utility pole or the installation of a new utility pole with Small Wireless Facilities attached for which a permit is granted under this Ordinance shall be completed within one year of the permit issuance date unless the Township and the applicant agree in writing to extend the period.

10. Removal of Equipment.

- A. Within sixty (60) days of suspension or revocation of a permit due to noncompliance with this act or applicable codes consistent with the Small Wireless Facilities Deployment Act, the applicant shall remove the Small Wireless Facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.
- B. Within ninety (90) days of the end of a permit term or an extension of the permit term, the applicant shall remove the Small Wireless Facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole.
- C. The Township retains the right to cut or move any Small Wireless Facilities or utility poles located within the right-of-way, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its Small Wireless Facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider

after cutting or removing a Small Wireless Facility or utility pole.

- D. The Township may require a wireless provider to remove an abandoned Small Wireless Facility or utility pole permitted hereunder within 180 days of abandonment. Should the Wireless Provider fail to timely remove the abandoned Small Wireless Facility or utility pole, the Township, upon providing sixty (60) days prior written notice to Provider, may remove the Small Wireless Facility or utility pole to be removed and may recover the actual cost of such removal from the Wireless Provider. A Small Wireless Facility or utility pole shall be deemed abandoned at the earlier of the date that the wireless provider indicates in any way that it is abandoning the Small Wireless Facility or utility pole, or the date that is 180 days after the date that the Small Wireless Facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the Small Wireless Facility or utility pole back in service.

11. Restoration of Right-of-way.

- A. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within thirty (30) days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed that which is otherwise authorized by Township statute. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

**§ 615 Conservation Easements.**

At a minimum, any conservation easement established to meet a requirement of a Township ordinance shall restrict uses of the land in a manner closely similar to all of the following:

1. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses,
2. No new principal buildings may be constructed on the lot, other than for non-commercial recreation or as necessary to support on-site agricultural activities,
3. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for re-planting or for Christmas Tree sales or a lawful home occupation,
4. The lot shall not be further subdivided,



5. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear-cutting,
6. The land shall not be used for storm water management facilities; and
7. A maintenance escrow or other arrangement guaranteeing maintenance of the easement area in a form acceptable to the Township Solicitor and Board of Supervisors shall be provided by the property owner when deemed applicable by the Board of Supervisors.

### **§ 616 Common Open Space.**

1. Design. Common Open Space shall be designed for active or passive recreation by residents of a development and/or the general public.
2. Maintenance. Common Open Space shall be covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
3. Ownership. Common Open Space shall be deeded to the Township and/or deed restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation.
4. Prohibited Placement. Common Open Space shall not be permitted to use any of the following areas to meet minimum open space requirements:
  - A. Existing or established future street rights-of-way,
  - B. Vehicle streets or driveways providing access to other lots,
  - C. Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
  - D. Off-street parking (other than that clearly intended for noncommercial recreation),
  - E. Area(s) needed to meet a requirement for an individual lot,
  - F. Area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Township for agricultural preservation,
  - G. Land beneath or within 50 feet of each side of each of the following:
    - (1) Overhead electrical transmission lines of 35 kilovolts or greater capacity,
    - (2) The towers/poles supporting such lines,

- H. For land intended to be open to the public, that does not have provisions for entry with a 20 feet minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
- I. Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
- J. Portions of land that have a width of less than 20 feet,
- K. Land that includes commercial recreation uses, except as may specifically be Permitted to be counted towards a common open space requirement by a specific provision of this Ordinance, and
- L. Land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

### **§ 617 Commercial Communications Facilities.**

1. Purpose. The purpose of this regulation is to provide a uniform and comprehensive set of standards for the development and installation of Commercial Communications Facilities (CCF). The regulations contained herein are designed to protect and promote public health, safety, and the general welfare of the community while ensuring that CCFs will be safe and be placed in suitable locations and at the same time not unduly restricting the development of needed telecommunications facilities. These regulations will also help in ensuring that municipal land use regulations are in compliance with the Federal Telecommunications Act of 1996, as amended.
2. Definitions.
  - A. Antenna. Any device used for the transmission of radio, television, wireless telephone, pager, commercial mobile service, or any other wireless signals.
  - B. Co-location. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals (or other transmissions developed in the future) for communications purposes.
  - C. Distributed Antennae System or DAS. A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.
  - D. Equipment Compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory/related equipment is stored.
  - E. FCC. Federal Communications Commission.

- F. Modification. The co-location, improvement, upgrade, expansion, removal, or replacement of an antenna or any other transmission equipment associated with the supporting structure.
- G. Monopole. A CCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure to support communications antennae and related equipment.
- H. Non Tower Commercial Communications Facility /Non-tower CCF). Any equipment that facilitates the transmission for any FCC licensed or authorized wireless commercial communications service, including but not limited to antennae, transmitters, receivers, cabling, power supplies, and accessory equipment associated with and necessary for their operation. This shall not include support structures, such as monopoles, poles, towers, etc.
- I. Replacement. The replacement of non-tower CCF or transmission equipment on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the CCF initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.
- J. Substantial Change or Substantially Changed. The modifications or proposed modifications to the physical dimensions of a tower, tower- based CCF, or base station that meet any of the following criteria:
- K. Towers outside rights-of-way
  - (1) It increases the height by more than 10 percent or by the height of one antenna array with the separation from the nearest existing antenna not to exceed twenty (20) feet or, whichever is greater.
  - (2) It protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- L. Towers inside rights-of-way
  - (1) It increases the height of the tower by more than ten (10) feet or 10 percent, whichever is greater. It protrudes from the edge of the tower more than six(6) feet.
  - (2) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets.
  - (3) The installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets.

- M. Base stations (regardless of location)
  - (1) It increases the height of the structure by more than ten (10) feet or 10 percent, whichever is greater.
  - (2) It protrudes from the edge of the structure more than six (6) feet.
  - (3) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets.
  - (4) The installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets.
- N. It involves the installation of more than the standard number of new equipment cabinets for technology involved, but not to exceed four cabinets.
- O. It entails the excavation or deployment outside the current site of tower, wireless support structure, or base station.
- P. It would defeat the existing concealment elements of the tower, wireless support structure, or base station.
- Q. It does not comply with the conditions associated with the prior approval of the tower, wireless support structure, or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.
- R. Tower-Based Commercial Communications Facility (Tower-based CCF). Any structure that is built and used for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennae, and their associated facilities. DAS hub facilities are considered to be tower-based CCFs. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any FCC licensed or authorized antennas and their associated facilities shall not be considered a tower.
- S. Wireless Commercial Communications Services. Wireless telecommunications services, such as, but not limited to, paging, cellular phones, internet, and other satellite telecommunication, which are generally operated by a service provider for commercial use. This excludes cable television services utilizing satellite delivery.
- T. Wireless Support Structure. A freestanding structure, such as a tower-based CCF, monopole, tower, base station or any other support structure that could support the placement or installation of a CCF if approved by the Township.

3. Tower-Based Commercial Communications Facilities

- A. General requirements for all tower-based CCFs. The following regulations shall apply to all tower-based CCFs:
- (1) Standard of care. The CCF applicant shall present documentation that the tower-based CCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
  - (2) Structural requirements.
    - (a) Any tower-based CCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI EIA/TIA-222-E Code, as amended).
    - (b) A copy of the structural analysis, signed and sealed by a registered structural engineer licensed in the Commonwealth of Pennsylvania, shall be submitted to the Township.
  - (3) Public safety communications. No tower-based CCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  - (4) Maintenance. The following maintenance requirements shall apply:
    - (a) Any tower-based CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
    - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
    - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
    - (d) Guyed-towers and other wireless support structures shall be inspected every three (3) years and self-supporting towers/monopoles shall be inspected every five (5) years. All towers shall be inspected after severe wind (sustained tropical storm or hurricane force winds) or ice storms or other extreme loading conditions. Inspection reports shall be prepared by a

licensed Professional Engineer and submitted to the Township engineer for review.

- (5) Radio frequency emissions. No tower-based CCF may, by itself or in conjunction with other CCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (6) Historic buildings or districts. No tower-based CCF may be located on a building, structure, or site that is listed on either the National or Pennsylvania Register of Historic Places or has been designated by the Township as being of historic significance.
- (7) Identification. All tower-based CCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.
- (8) Lighting and signage. No signs or lights shall be mounted on a tower-based CCF except as required by law, the FCC, the Federal Aviation Administration or any other governmental agency having jurisdiction over the same. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Emergency lighting for any accessory facility/building and signage as allowed in subsection 7 above, is permitted, subject to Township review and approval.
- (9) Appearance. Towers shall be galvanized and/ or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- (10) Noise. Tower-based CCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (11) Aviation safety. Tower-based CCFs shall comply with all federal and state laws and regulations concerning aviation safety and applicable airport zoning regulations.
- (12) Notice. Upon receipt of an application for a tower-based CCF, the Township shall mail notice thereof to the owner or owners of every property within 500 linear feet of the property or parcel of the proposed facility.
- (13) Retention of experts. The Township may hire any consultant(s) and/ or expert(s) necessary to assist the Township in reviewing and evaluating the applications for approval of the tower-based CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The

applicant and/ or owner of the CCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

- (14) FCC license. The applicant shall submit to the Township a copy of its current FCC license, the name, address, emergency number, and operator of the facility.
- (15) Insurance. Each person that owns or operates a Tower Based CCF, shall provide the Township with proof of insurance. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 occurrence covering the communication facility is required. The Township, its employees, Engineer, Solicitor, Planner, and other relevant professional shall be named additional insured and the certificate shall provide, as a minimum, that the additional insured shall be notified not less than sixty (60) days in advance of the insurance not being renewed or being cancelled for any reason.
- (16) Timing of decision. Within thirty (30) calendar days of the date that an application for a tower-based CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications, including land development, for tower-based CCF's shall be acted upon within ninety (90) days of the receipt of a fully completed application for the approval of such tower-based CCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety (90) day review period.
- (17) Non-conforming uses. Non-conforming tower-based CCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
- (18) Indemnification. Each person that owns or operates a tower- based CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a tower-based CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.
- (19) Removal/financial security. In the event that use of a tower- based CCF is planned

to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of six (6) consecutive months, the Township will provide notice to the owner/operator to remove the tower.

- (20) Unused or abandoned tower-based CCFs or portions of tower-based CCFs shall be removed as follows:
- (a) All unused or abandoned tower-based CCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site or from the time the municipality provides notice unless a time extension is approved by the Township.
  - (b) If the tower-based CCF and/ or accessory facility is not removed within six (6) months of the cessation of operations at a site, from the time the municipality provides notice, or within any longer period approved by the Township, the tower-based CCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the tower-based CCF.
  - (c) Prior to the issuance of a zoning permit, the owner/operator of the tower-based CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the tower-based CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure.
  - (d) The Township must approve all replacements of portions of a tower-based CCF previously removed.

B. Tower-based CCFs outside the rights-of-way. The following regulations shall apply to tower-based commercial communications facilities located outside the rights-of-way.

(1) Development Regulations.

- (a) Gap in coverage. An applicant for a tower-based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of CCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based CCFs.
- (b) Height. Any tower-based CCF outside of the rights-of-way, shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet. However, such height may be



increased to no more than two hundred (200) feet, provided the setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet and the applicant must submit documentation to the Township justifying the total height of the structure. Height shall include all subsequent additions or alterations.

- (c) Sole use on a lot. A tower-based CCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
- (d) Combined with another use. A tower-based CCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
  - 1) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
  - 2) The tower-based CCF may occupy a leased parcel within a lot meeting the minimum lot size for the zoning district. The leased parcel shall be, at a minimum, the area needed to accommodate the tower-based CCF and guy wires, the equipment building, security fence, and buffer planting.
  - 3) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district.
  - 4) Minimum Setbacks. The tower-based CCF and accompanying equipment building shall not be located in the minimum front, rear, or side yard setbacks for the applicable zoning district. Further, no tower-based CCF shall be located within two hundred (200) feet of any occupied building.
  - 5) Vehicular access to the tower-based CCF shall not interfere with parking or circulation on the site.
- (2) Co-location. An application for a new tower-based CCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based CCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based CCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

- (3) Design Regulations.
  - (a) The tower-based CCF shall employ the most current standards available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
  - (b) Any height extensions to an existing tower-based CCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon land use impact or any other lawful considerations related to the character of the Township.
  - (c) Any proposed tower-based CCF shall be designed structurally, electrically, and in all respects to accommodate both the CCF applicant's antennas and comparable antennae for future users. At a minimum, the structure and wind load should be able to accommodate a ten (10) percent increase in height or one additional array, not to exceed a total height of more than two hundred (200) feet.
  - (d) Surrounding Environment.
    - 1) The CCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the CCF structure shall be preserved to the maximum extent possible.
    - 2) The CCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the tower-based CCF, and anchors for guy wires, if used.
- (4) Fence/Screen.
  - (a) A security fence having a maximum height of eight (8) feet shall completely surround any tower-based CCF, guy wires, parking, or any building/structure housing CCF equipment.
  - (b) An evergreen screen shall be required to surround the site of the proposed tower-based CCF. The screen shall either be a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum six (6) feet at planting and shall grow to a minimum fifteen (15) feet at maturity. The vegetation utilized should be deer resistant.
  - (c) The CCF applicant shall submit a landscape plan for review and approval by the Township for all proposed screening.
  - (d) Alternate forms of screening, other than the landscaping outlined in subsection 5(b), may be permitted if reviewed and approved by the Board of Supervisors.

- (5) Accessory Equipment.
  - (a) Ground-mounted equipment associated with, or connected to, a tower-based CCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view.
  - (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and height requirements of the underlying zoning district.
- (6) Additional antennas. As a condition of approval for all tower-based CCFs, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based CCFs where technically and economically feasible. The owner of a tower-based CCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (7) Access road/lease area. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower based CCFs. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the CCF owner shall present documentation to the Township that the property owner has granted an easement and/or signed a lease agreement for the proposed facility.
- (8) Parking. A minimum of two (2) off-street parking spaces shall be provided for a tower-based CCF.
- (9) Site plan required. In order to determine that the requirements of the special exception and this section are met, the applicant shall present a site plan showing, at a minimum, the following items:
  - (a) Locations of all existing uses and proposed CCFs.
  - (b) Elevations and drawings of any existing uses and proposed tower-based CCFs, showing proposed width, depth, height, architectural style and structural data for any towers, antenna, etc., proposed.
  - (c) Site boundary, lease area boundary, zoning data, setbacks/yards, and adjacent uses.
  - (d) Vehicular access, fencing, landscaping, utility and/or access easements.

- (10) Inspection. The Township reserves the right to inspect any tower-based CCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code or state or federal law. The Township and/ or its agents shall have the authority to enter the property upon which a CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- C. Tower-based CCFs in the rights-of-way. The following regulations shall apply to tower-based commercial communications facilities located in the rights-of-way:
- (1) Prohibited in rights-of-way of collector and local roads. No tower-based WCF shall be located within the rights-of-way or future rights-of-way of any collector or local road as designated by the Township. Tower-based CCFs are permitted in all other existing rights-of-way.
  - (2) The applicant shall provide proof of authorization from the owner of the right(s)-of-way for the location(s) of the proposed tower(s).
  - (3) The application shall be accompanied by plans and other materials, as required by this section, describing the use and locations proposed. Such plans and other materials shall provide sufficient basis for evaluating the applicant's requests.
  - (4) Gap in coverage. An applicant for a tower-based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of CCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based CCFs in the ROW.
  - (5) Height. Any tower-based CCF in rights-of-way, shall be designed at the minimum functional height and shall not exceed a maximum total height of thirty-five (35) feet or 10 percent higher than the existing structure, which height shall include all subsequent additions or alterations. All tower-based CCF applicants must submit documentation to the Township justifying the total height of the structure.
  - (6) Co-location. An application for a new tower-based CCF in the ROW shall not be approved unless the Township finds that the proposed commercial communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based CCF in the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
  - (7) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based

CCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

- (8) Equipment location. Tower-based CCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.
  - (b) Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - (e) Any underground vaults related to tower-based CCF's shall be reviewed and approved by the Township.
- (9) Additional antennas. As a condition of approval for all tower-based CCFs in the ROW, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based CCFs where technically and economically feasible. The owner of a tower-based CCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (10) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based CCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;

- (b) The operations of the Township or other govern-mental entity in the right-of-way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An emergency as determined by the Township.
- (11) Compensation for right-of-way use. In addition to permit fees, every tower-based CCF in the right-of-way is subject to the Township's right to, fix annually, a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each tower-based CCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual right-of-way management fee for tower-based CCF's shall be determined by the Township and authorized by resolution of Township Board of Supervisors and shall be based on the Township's actual right-of-way management costs as applied to such tower-based CCF.

#### 4. Non-Tower Commercial Communications Facilities.

##### A. General requirements for all non-tower CCFs and base stations.

- (1) Standard of Care. Any non-tower CCF that is considered a collocation, modification, or replacement shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. The Township shall be notified of the use or storage of external power sources, such as batteries or fuel tanks.
- (2) Wind and load.
  - (a) Any non-tower CCF that is considered a collocation, modification, or replacement shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI / EIA/ TIA 222-G Code, as amended).

- (b) The wireless support structure to which the non-tower CCF is attached shall be able to withstand the additional structural load of the collocation, modification, or replacement.
    - (c) A copy of the structural analysis, signed and sealed by a registered engineer in the State of Pennsylvania, shall be submitted to the Township and reviewed as a portion of the permitting process for collocations, modifications, or replacements.
  - (3) Public Safety Communications. No non-tower CCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  - (4) Aviation Safety. Non-tower CCF's shall comply with all federal and state laws and regulations concerning aviation safety.
  - (5) Radio Frequency Emissions. No non-tower CCF may, by itself or in conjunction with other CCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
  - (6) Historic Buildings. Non-tower CCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or has been designated by the Township as being of historic significance.
- B. Non-tower CCF development regulations - no substantial change. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that does not substantially change the existing wireless support structure, then the requirements contained herein, will be applicable.
  - (1) Non-tower CCF's are permitted in all zoning districts.
  - (2) Building permit.
    - (a) Zoning permit required. Collocations, modifications, or replacements of non-tower CCF's or transmission equipment on existing wireless support structures or base stations are subject to the initial zoning or land use approvals for the previously approved wireless support structure or non-tower CCF, and subject only to the zoning permit review and approval process of the Township.
    - (b) No zoning permit required. Replacement of non-tower CCF's or transmission equipment on existing, Township-approved, wireless support structures or base stations, without an increase in wind or structural load, may be performed by the applicant without obtaining a zoning permit.

- (3) Removal. In the event that use of a non-tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of twelve (12) consecutive months, the Township will provide notice to the owner/operator to remove the tower.
- (4) Unused or abandoned non-tower CCFs or portions of non-tower CCFs shall be removed as follows:
  - (a) All abandoned or unused non-tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site, or from the time the municipality provides notice, unless a time extension is approved by the Township.
  - (b) If the non-tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the non-tower CCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the non-tower CCF.
- (5) Timing of decision. Within thirty (30) calendar days of the date that an application for a collocation, modification, or replacement of a non-tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. If additional information is requested by the Township to complete an application, the time period for review may be tolled by mutual agreement. Within sixty (60) calendar days of receipt of the application, accounting for tolling, the Township must make a final decision regarding the application and shall advise the applicant in writing of such decision.
  - (a) A determination of incompleteness must specifically delineate all missing information, and specify the code provision, ordinance, application instructions or otherwise publicly stated procedures that require the information to be submitted.
  - (b) Following an applicant's resubmission in response to a determination of incompleteness, the Township may reach a subsequent determination of incompleteness based solely on the applicant's failure to supply the specific information that was requested within the first 30 days.
  - (c) The 60-day review period begins running again when the applicant makes its supplemental resubmission; however, the review period may be tolled, once again, if the Township notifies the applicant within ten (10) days that the supplemental submission did not provide the specific information identified in the original notice delineating missing information.



- C. Non-tower CCF development regulations - substantial change. If the Eligible Facilities Request for a non-tower CCF or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure, then the requirements contained herein will be applicable.
- (1) Non-tower CCF's are permitted in all zoning districts subject to the initial zoning or land use approvals for the previously approved wireless support structure or non-tower CCF. These CCFs are subject to zoning permit review and approval process of the Township.
  - (2) Maintenance. The following maintenance requirements shall apply:
    - (a) Any non-tower CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
    - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
    - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
  - (3) Retention of experts. The Township may hire any consultant(s) and/ or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/ or owner of the CCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
  - (4) Timing of decision. Within thirty (30) calendar days of the date that an application for a non-tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
  - (5) Removal. In the event that use of a non-tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned non-tower CCFs or portions of non-tower CCFs shall be removed as follows:
    - (a) All abandoned or unused non-tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.

- (b) If the non-tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the non-tower CCF and/ or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the CCF.
    - (c) Prior to the issuance of a zoning permit, the owner/operator of the non-tower CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the non-tower CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure.
  - (6) Indemnification. Each person that owns or operates a non-tower CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a non-tower CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.
- D. Non-tower CCFs outside the rights-of-way. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located outside the right-of-way, then the requirements contained herein, will be applicable.
  - (1) Development regulations. Non-tower CCFs shall be co-located on existing wireless support structures/base stations, subject to the following conditions:
    - (a) Such non-tower CCF does not exceed the maximum permitted height of the existing wireless support structure.
    - (b) If the non-tower CCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
    - (c) A six (6) foot high security fence shall surround any separate

communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

- (2) Design regulations.
    - (a) Non-tower CCFs shall be treated to match the supporting structure in order to minimize aesthetic impact.
    - (b) Non-tower CCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher.
    - (c) All non-tower based CCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
    - (d) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
  - (3) Inspection. The Township reserves the right to inspect any non-tower CCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law. The Township and/ or its agents shall have the authority to enter the property upon which a non-tower CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- E. Non-tower CCFs in the rights-of-way. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located in the right-of-way, then the requirements contained herein, will be applicable.
- (1) Co-location. Non-tower CCFs in the right-of-way shall be located on existing poles/base stations, such as existing utility poles or light poles or other wireless support structures.
  - (2) Design Requirements.
    - (a) Non-tower CCF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

- (b) Antennae and all support equipment shall be treated to match the supporting structure. Non-tower CCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (3) Equipment Location.
  - (a) Non-tower CCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/ or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township.
  - (b) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;
  - (c) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be placed underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - (d) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - (e) Any graffiti on the non-tower CCF or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - (f) Any underground vaults related to non-tower CCF's shall be reviewed and approved by the Township.
- (4) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower CCF's in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (5) Relocation or removal of facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a non-tower CCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any non-tower CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that

such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
  - (b) The operations of the Township or other governmental entity in the right-of-way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An emergency as determined by the Township.
- (6) Compensation for right-of-way use. In addition to permit fees, every non-tower CCF in the right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the Right-of-Way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each non-tower CCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual right-of-way management fee for non-tower CCF's shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual right-of-way management costs as applied to such non-tower CCF.

### **§ 618 Honey Bee Apiaries.**

Honey Bee Apiaries shall comply with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and subject to the following regulations:

1. Registration, Certification and Permits.

- A. No beekeepers may own or maintain an apiary within the Township without first registering and maintaining a current permit for all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
- B. A beekeeper owning or maintaining an apiary in the Township shall promptly notify the Zoning Officer or appropriate office without unnecessary delay, and in no event longer than 72 hours, if the Department revokes said apiary registration or if said registration has lapsed.
- C. No beekeeper shall own or maintain a Honey Bee Apiary within the Township without first obtaining a registration permit from the Township. An application for a one-time registration permit shall be made in writing and upon supplied form or in such format as established by the Township. The application shall be accompanied by a lot plan that

includes the size of the lot, the location and number of hives, the location of the water source, the distance of the hives from any property lines, and, if required, the location of any flyway barriers. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances.

- D. Fees. See the Township Fee Schedule.
  - E. The application for a municipal permit shall also be accompanied by written evidence that the applicant has completed a beekeeping educational course/program with a minimum of eight (8) hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper.
  - F. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the Township as part of the beekeeping registration application.
2. Location and Colony Density. Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate an possible concerns to adjoining neighbors:
- A. Hive Location and Density.
    - (1) Location of hives must comply with the following criteria:
      - (a) Hives shall not be located within ten (10) feet of any side or rear property line unless a flyway barrier is in place or the hive(s) are located at least ten (10) feet above grade.
      - (b) Hives shall not be located within a front yard.
      - (c) Hives shall not be located within fifty (50) feet of a pre-existing swimming pool or a pre-existing kenneled animal.
      - (d) Apiaries are not permitted within ten (10) feet any buildings located on adjacent properties.
  - B. Maximum Number of Hives.
    - (1) For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.
      - (a) Exceptions. A beekeeper may exceed these regulations under the following conditions:

- 1) As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to forty-five (45) days between April 15 and August 15th, two (2) nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
- 2) For each allowed hive, a single nucleus hive may be kept from August 16 to April 14 to allow a beekeeper to mitigate winter bee losses.
- 3) Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of section 4b and shall not exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Department of Agriculture, Bureau of Plant Industry.

C. Hive Density.

- (1) The Township recommends that the applicant provide written proof from any of the following entities expressing support upon examination of the proposed density of hives associated with the application:
  - (a) The Pennsylvania State Beekeepers Association;
  - (b) The Penn State Center for Pollination Research;
  - (c) The Pennsylvania Department of Agriculture;
  - (d) A local beekeeping association;
  - (e) or a University or College with an Apiary program and accredited by the Pennsylvania Department of Education.

D. To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least six (6) feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six (6) feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" shall be placed in the following manner:

- (1) at least six (6) feet in height,
- (2) alongside of the hive(s) that contains the entrance to the hive(s);
- (3) within five (5) feet of the hive(s); and
- (4) extend at least two (2) feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, vegetation, hedge, or a combination thereof. No flyway barrier

is required for hive(s) that are located greater than ten (10) feet from property lines or on porches, balconies or roof tops that are at least ten (10) feet above grade except on adjacent properties where such porch, balcony or roof is located less than ten (10) feet from a property line.

- E. Exceptions to a Flyway Barrier.
    - (1) A flyway barrier is not required if the property adjoining the apiary lot line is:
      - (a) Undeveloped;
      - (b) Zoned agricultural or industrial (see § 27-201); or
      - (c) Located on state game lands, a state park, national forest, state forest, natural park, or conservation area and has no pre-existing human or horse trails located within twenty-five (25) feet of the property line.
  - F. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties between April 1 and November 1.
  - G. All beekeepers shall ensure that no bee comb or other materials that attract honeybees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.
3. Inspection. If an inspection is required as a result of a nuisance complaint, the Township Zoning Officer will inspect the property only and not the bee hives. It is recommended that the state or local beekeeping organization be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honey bees/beekeeper. A notice of forty-eight (48) hours shall be given to the beekeeper prior to any inspection.
4. Nuisance. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:
- A. The use of receptacles for honey bees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
  - B. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.



**§ 619 Masonry Mailbox Structures.**

1. Construction Standards.

- A. Dimensions. The maximum above grade width and depth of the masonry mailbox structure shall not exceed 24" by 24". The top of the structure shall be no higher than 6 inches above the mailbox opening. This shall include any masonry enclosure, numerals, letters or ornamentation.
- B. Footing. A concrete footing having a maximum size of 30" by 30" may be installed at the bottom of the structure excavation. The footing can be either precast or cast in place concrete having a maximum thickness of six. inches. The top of the footing shall be no deeper than two feet as measured from the edge of the pavement adjacent to the structure.
- C. Foundation. The foundation for the masonry structure from the top of footing to existing grade shall not exceed 24" by 24" and shall be no closer than eight inches from the edge of the existing pavement.
- D. Structure. The masonry structure shall be break away. It shall not be permanently attached to the footing by the use of any wire or reinforcement bars. The use of masonry mastic under the first course of brick, stone, or block shall be prohibited.

2. Permitted Location.

- A. Adjacent to all township-owned, local and collector classified streets with vertical curbing in place.
- B. Local classified township-owned streets without curbing that have a minimum cartway (pavement) width of 32 feet.
- C. Along all privately owned and maintained streets that are not proposed for dedication to Lower Nazareth Township provided that the mailbox structures will not be located within an existing right-of- way or utility easement.

3. Prohibited Locations.

- A. All Township owned roadways classified as arterial or expressway streets.
- B. Any non-curbed township owned streets having a cartway width less than 32 feet.
- C. Directly above or within five feet horizontally to any existing underground utility, including but not limited to water, storm, sanitary, electric, cable, telephone, or gas lines.

4. Permitted Approval Process

- A. A copy of the approved lot grading plan, if applicable, highlighting the location of the proposed structure. If a grading plan is not available for the subject property, the

applicant shall submit a plot plan prepared in accordance with the grading plan requirements in Section 533.10 of the township subdivision and land development ordinance.

- B. A sketch of the proposed mailbox structure showing complete dimensions and construction materials.
- C. All necessary permit fees and escrow accounts as required by the township. An escrow deposit may be required for street restoration. If the installation of the mailbox structure causes damage to the township cartway, the street restoration escrow can be used to pay for the pavement repairs. (SEE ORD. 131).

### **§ 620 Garage Sales.**

- 1. See definition in Article XII. A garage sale shall not include wholesale sales.
- 2. No garage sale shall be held on a lot during more than three (3) days total in any six (6) consecutive months.
- 3. The use shall be clearly accessory to the principal use.
- 4. The placement of temporary signs shall be limited to the property on which the sale is to be held.

### **§ 621 Billboards.**

- 1. Intent. Billboards are controlled by this Ordinance to serve the following purposes.
  - A. To ensure that a physical environment is maintained and attractive to desirable types of development, especially light industrial and office parks.
  - B. To prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within proximity to existing residences.
  - C. To prevent glare on adjacent property and streets.
  - D. To protect the open space and natural character of areas of the Township planned to remain agricultural or as conservation areas.
  - E. To avoid the creation of additional visual distractions to motorists, especially along Route 33 and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards.
  - F. To recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media.
  - G. To recognize that this Ordinance allows every landowner a reasonable use for their land.

- H. To avoid off-premises signs that would have an unfair advantage over on-premises signs in the competition for attention, because off-premises signs typically are higher and larger than on-premise signs.
- I. To carry out the purposes listed in this Chapter.
- 2. Nonconforming Billboards. This section is not intended to require the removal of an existing lawfully placed Billboard that is structurally sound.
- 3. State Sign. Signs erected and maintained by the Pennsylvania Department of Transportation are permitted by right in all Districts and are exempt from the provisions within this section.
- 4. District. A Billboard is only Permitted in the TD8 Regional Mixed Use District.
- 5. Location. A Billboard is only permitted within 500 feet of existing right-of-way of an expressway.
- 6. Size. No Billboard may have a sign area greater than 300 square feet.
- 7. Spacing. Any Billboard shall be separated by a minimum of 1500 feet from any other off-premises sign, including on either side of an expressway. No lot shall include more than one (1) Billboard.
- 8. Maximum Height. Eighty (80) feet. See definition in this Chapter.
- 9. Attached. No sign face shall be attached in any way to any other off-premises sign, all Billboards and off-premises signs shall have a maximum of one (1) sign face.
- 10. Lighting and Glare. See standards in this Chapter.
- 11. Residences. No Billboards shall be located within 1,000 feet of an existing dwelling or residentially zoned land.

**§ 622 Cluster Development.**

- 1. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to:
  - A. avoid severe soil erosion and sedimentation,
  - B. avoid severely increased stormwater flows and speeds,
  - C. steer development to those areas that are more physically suited for it,
  - D. avoid construction of steep roads that are difficult, time- consuming, and expensive to maintain and snow plow,
  - E. avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice,
  - F. to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and
  - G. reduce construction costs while allowing each property owner a reasonable use of their

land, related directly to the natural features and location and accessibility of the land. In certain cases, this option will encourage the preservation of significant areas of common open space.

2. Applicability.

- A. This section allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Board of Supervisors that all of the requirements of this article will be complied with.
- B. The term "Cluster Development" ("CD") shall mean a residential cluster development meeting the requirements of this Section and which is approved as a conditional use in a TD2 Estate Residential district or within the Rural Resource Overlay. A Cluster Development in the TD2 Estate Residential district shall only include single family detached dwellings.
- C. A tract may be eligible for approval for a cluster development if it includes the following minimum land area in common ownership: 20 acres in common ownership in the residential district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
  - (1) Lots of less than 1/2 acre that were previously granted final subdivision approval as part of a residential development shall not be recombined and resubmitted under this Article.
  - (2) For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets but including a) the right-of-way of any new future streets proposed within the tract and b) any proposed open space.
  - (3) Areas used for a principal non-residential use shall not be included within the land area used to calculate residential density.
- D. The Cluster Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.
- E. The application shall be submitted and decided upon as a conditional use, within the procedures of Article I. The application shall be reviewed by the Planning Commission and approved, conditionally approved or disapproved by the Board of Supervisors.

3. Reduction of Lot Width and Lot Area

- A. If approved as a Cluster Development ("CD"), then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum common open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a particular situation is not described in the first column, then a Cluster Development shall not be permitted in that situation.

| ZONING DISTRICT        | PERMITTED MIN. LOT AREA IN A CD (square feet) | PERMITTED MIN. LOT WIDTH IN A CD (feet) | MINIMUM COMMON OPEN SPACE ON THE TRACT |
|------------------------|---|---|--|
| TD2 Estate Residential | 18,000  | 80*                                     | 25 percent                             |
| Rural Resource Overlay | 20,000  | 100*                                    | See Section 402                        |

\*150 feet for any lot within a new driveway entering onto an arterial street.

4. Other Requirements.

- A. Only requirements that are specifically stated in this Article as being adjusted shall differ from what would otherwise apply to a conventional non-cluster development. All other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a CD.
- B. The natural features of the site shall be a major factor in determining the siting of dwelling units.

5. Conditions for Approval. In addition to the specific requirements of this Section, a CD shall only be approved as a conditional use if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

- A. That the CD would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
  - (1) The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
  - (2) The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
  - (3) The dedication of public parkland at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
  - (4) The clustering of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
- B. The applicant shall prove that the proposed CD has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. At a minimum, the applicant shall prove that areas along perennial creeks

shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.

**§ 623 Solid Waste and Junk (Reserved)**

**§ 624 Warehousing and Distribution Requirements.**

1. Applicable Land Uses. The following land uses must comply with the requirements within this Section:
  - A. Distribution Center, Type 1
  - B. Distribution Center, Type 2
  - C. Truck Depot/Terminal
  - D. Warehouse
  - E. High-Cube Transload & Short-Term Storage Warehouse
  - F. High-Cube Cold Storage Warehouse
  - G. High-Cube Parcel Hub Warehouse
  - H. High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse
  - I. Wholesale Sales
2. Conditional Use Application. When submitting a conditional use application, the applicant shall provide a written narrative, and additional supporting information, documentation, studies, and reports as necessary or required below, containing detailed descriptions of the proposed use and substantive evidence demonstrating consistency of the proposed use relative to each of the following topics:
  - A. The nature of all activities and operations to be conducted on the site, the types of materials to be stored, the duration of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with applicable state and federal regulations.
  - B. Hours of operation and the times and frequency of deliveries, distributions and/or restocking.
  - C. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, and the total number of employees on each shift.
  - D. Consistency of the proposed use with each of the general standards for a Conditional Uses as set forth in Sections 119 and 701.

- E. Consistency of the proposed use with all applicable requirements related to the Performance Standards set forth in Article IX, Environmental Protection requirements in Article VIII, and the Supplemental Regulations in Article VI.
- F. The applicant shall submit a current Pennsylvania Department of Conservation and Natural Resources Pennsylvania Natural Diversity Inventory (PNDI) environmental review receipt for the project and additional evidence as necessary to demonstrate that no endangered species will be negatively impacted by the proposed development.
- G. The applicant shall submit a traffic study in accordance with ITE standards, as amended, for the specific type of warehouse or distribution center proposed on the site. See Table C to determine the corresponding required ITE Code and Description for the proposed land use.

| <b>Table C. Institute of Transport Engineers (ITE) Required Traffic Impact Study</b> |                 |  |
|--|-----------------|--|
| <b>LAND USE</b>  | <b>ITE CODE</b> | <b>ITE DESCRIPTION</b>                             |
| Distribution Center, Type 1  | 155             | High-Cube Fulfillment Center Warehouse             |
| Distribution Center, Type 2  | 155             | High-Cube Fulfillment Center Warehouse             |
| Truck Depot/Terminal   | 30              | Intermodal Truck Terminal                          |
| Warehouse  | 150             | Warehousing  |
| High-Cube Transload & Short-Term Storage Warehouse                                   | 154             | High-Cube Transload & Short-Term Storage Warehouse |
| High-Cube Cold Storage Warehouse   | 157             | High-Cube Cold Storage Warehouse                   |
| High-Cube Parcel Hub Warehouse   | 156             | High-Cube Parcel Hub Warehouse                     |
| High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse                             | 155             | High-Cube Fulfillment Center Warehouse             |
| Wholesale Sales  | 860             | Wholesale Market                                   |

- H. Adequacy of the number, size, and location of loading and staging spaces provided for trucks to accommodate the expected demand generated by the use, including both preloading and post-loading activities.
- I. Consistency of the proposed use with the requirements of Section 624 – Truck Parking and Storage Trailers.
- J. Adequacy of off-street staging spaces available for tractor trailers arriving during non-business hours to prevent vehicles from parking on public streets while waiting to access the facility.
- K. The applicant shall submit a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary, consistent with truck routing signage and trip distribution data presented in the traffic study in accordance with the requirements listed in this Section.

3. Required Buffer Yards.

- A. Along any boundary line of a residential lot or residential district, a minimum 150-foot buffer yard shall be provided within the subject parcel, measured from the district boundary line or adjacent lot line, which ever may apply.
  - (1) If a street constitutes the boundary line between districts or lots, the yard shall be measured from the street line.
  - (2) At least fifty (50) feet of such buffer yard width shall be used only as a planting strip in accordance with § 605.
  - (3) The rest of the buffer yard width may be used for off-street parking or for any purpose other than a building or accessory structure.
- B. Where the footprint of a proposed principal warehouse structure is greater than 250,000 square feet:
  - (1) A minimum 250-foot buffer yard shall be provided along the entire length of the street frontage of any property upon which a warehouse is located.
  - (2) A minimum 250-foot buffer yard shall be provided along any property line which abuts or is within 500 feet of an existing residential property line or zoning district, school, child care center, hospital, place of worship/assembly, or public park.
- C. An Earth Berm shall be constructed within the required buffer yard along the street frontage and in accordance with Section 605.

4. Minimum Planting Requirements. See requirements in Section 605.1.E, in addition to the following:



- A. Plantings shall be arranged to provide a complete visual screen of the principal building of at least fourteen (14) feet in height (measured in addition to the height of the required Earth Berm).
5. In addition to any other necessary measures, buffer areas shall be adequate to limit the impacts of sound, vibration, and light to the standards stated in Section 604 of this Chapter as well as to provide an appropriate visual screen between incompatible land uses.
6. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.
7. No loud speakers shall be permitted outside any enclosed structures.
8. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
9. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
10. No activities involving the storage, utilization, or manufacture of materials or products which could decompose by detonation shall be permitted except as authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Township Fire Departments.
11. No facility, or part thereof, may be used for a dwelling purpose at any time.
12. All maintenance operations and storage of materials shall be conducted inside a building, except as permitted by Section 504, Subsection 5.
13. The Supervisors may impose additional restrictions on traffic volume impacts, access to the facility, storage of vehicles, or materials on the premises, hours of operations and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district, municipal infrastructure (including but not limited to the Township's water and sewer systems, transportation network and the like) or adjacent land uses.
14. Truck Parking and Storage of Trailer Requirements.
  - A. Uses listed in Subsection 1 shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site warehouse/distribution employees. The following provisions shall apply:

- (1) The amenities shall include, at a minimum, a lounge for drivers/operators, with restroom facilities, including at least three (3) sinks and three (3) stalls per restroom, and dispensing machines or similar facilities to provide food and beverages.
  - (2) At least one (1) amenity shall be provided for every thirty (30) truck loading/unloading docks/doorways of the use.
  - (3) The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one (1) seat per ten (10) docks/doorways, with a minimum area to accommodate six (6) seats and one (1) four-person table.
  - (4) There shall be provided at least one (1) twelve-foot-by-eighty-foot truck parking space per each required lounge seat of the amenity.
  - (5) Trucks parked in amenity parking spaces shall not leave engines idling unless required for safety or weather-related reasons. Electrical outlets shall be included in parking areas for trucks to utilize.
  - (6) All trucks awaiting access to a loading/unloading dock/doorway shall park in designated amenity parking spaces unless all such spaces are already occupied.
- B. Trucks idling or parked on a public right-of-way and waiting for entry onto the lot shall not be permitted.
  - C. Where guard shacks or checkpoints are proposed at the entrance(s) to such facilities, queuing space measuring at least two hundred forty (240) feet shall be provided within the property boundaries to prevent stacking of tractor-trailers on or along public streets.
  - D. These uses shall reserve a minimum of five (5) percent of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
  - E. The facility's parking and driveway layout shall be designed to reduce mixing of truck traffic and car traffic, particularly in areas where cars would have to maneuver around or through truck loading/unloading areas.
  - F. Driveways and drive aisles shall be designed with turning radii that allow tractor-trailers to complete turning maneuvers within their designated lanes.
  - G. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility.
  - H. No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted.

- I. All designated tractor-trailer truck parking areas, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a fifty-foot buffer yard meeting the following requirements:
  - (1) Include a mix of native and evergreen plant buffer in accordance with Section 605, which will provide, within three years, a complete visual screen of at least ten (10) feet in height.
  - (2) Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.
- J. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within two hundred fifty 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earth berm and shall comply with Section 605.1.D.(6).
- K. On-site snow removal equipment to clear off tractor-trailers shall be required to ensure operators are compliant with the Pennsylvania Snow/Ice Removal Law and provide safety measures in preparation of returning to driving operations.

## **§ 625 Electric Vehicle Charging Stations**

### 1. Terms Defined :

EV CHARGING INFRASTRUCTURE, TYPE 1 – Charging facilities for electric vehicles typically found in a household, which uses 15-20 amps and 120 volts.

EV CHARGING INFRASTRUCTURE, TYPE 2 – Charging facilities for electric vehicles using a circuit at 40-60 amps and 240 volts.

DIRECT CURRENT FAST CHARGING (DCFC) – Charging facilities that utilize separate utility transformers and typically between 25-300 kilowatts.

EV CAPABLE – The installation of electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot.

EV READY – The installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) INSTALLED – The installation of a Level 2 EV charging station.

2. Requirements for Multifamily (Apartments) Dwellings.
  - A. A minimum of one (1) off-street parking space per twenty (20) off-street parking spaces provided shall be EVSE Installed.
  
3. Requirements for specific nonresidential uses.
  - A. The requirements within the following subsection shall apply to any new off-street parking areas or expansions of existing off-street parking areas by 10,000 square feet for the following nonresidential land uses:
    - (1) Convenience Store with Fuel/Energy Recharge
    - (2) Grocery Store
    - (3) Home Improvement/Building Supply, Large-Scale
    - (4) Hotel
    - (5) Mixed-Use Building
    - (6) Pharmacy
    - (7) Retail, Large-Scale
    - (8) School, Post-Secondary
    - (9) School, Secondary Trade
    - (10) Shopping Center
    - (11) Supermarket
  
  - B. Required number of EVSE Installed off-street parking spaces. Minimum of one (1) per fifty (50) off-street parking spaces provided shall be EVSE Installed.

**ARTICLE VII**  
**CONDITIONAL USES AND SPECIAL EXCEPTIONS**

**§ 701 General.**

In addition to the procedures and requirements of this Chapter, the Township Planning Commission may grant and deny conditional uses in accordance with § 913.2 of the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. § 10913.2 and § 118 of this Chapter. In addition, the Zoning Hearing Board may grant and deny special exceptions in accordance with § 119 of this Chapter. The following procedures and standards must be satisfied prior to approval of any application for a conditional use or special exception. The applicant shall be required to demonstrate compliance with these standards and furnish any evidence necessary to demonstrate such compliance. All uses must comply with the standards expressed within each underlying zone unless those standards expressed for each conditional use specify different standards; in such cases, the conditional use standards shall apply.

**§ 702 Specific Criteria for Conditional Uses and Special Exceptions.**

1. Agriculture Equipment Sales.

- A. All outdoor lighting fixtures shall be attached to the principal building. See additional light and glare standards in Section 908.
- B. For any merchandise and or machinery placed outdoors for display and sale, see criteria for Outdoor Display of Merchandise in Section 504.
- C. See sign requirements in Article XI.
- D. Customer parking areas shall be clearly marked by signage.

2. Auto Service/Repair Station.

- A. All service and/or repair activities shall be conducted within an enclosed building.
- B. All exterior off-street parking and storage areas shall be screened from adjoining residential uses and districts.
- C. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).
- D. The outside storage of more than one (1) unlicensed vehicle is prohibited.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
- F. All vehicles and machinery shall be repaired and removed from the premises.
- G. The demolition or junking of vehicles and machinery is prohibited.
- H. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

3. Auto, Boat, or Mobile/Manufactured Home Sales.

- A. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way, any grass or landscaped area, drainage or utility easements or required customer parking area or any paved area setback required herein.
- B. See light and glare standards in Section 908.
- C. See parking requirements in Article XVII.
- D. For all types of auto, boat or any sales of mobile/manufactured homes, a minimum lot area of two (2) acres shall be required.
- E. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- F. See sign requirements in Article XI.
- G. Customer parking areas shall be clearly marked by signage.
- H. Parking of more than five (5) inoperable vehicles shall be considered operating a junkyard.
- I. In TD7 Suburban Mixed Use
  - (1) No Auto/Truck/Body Collision/Repair Center or Auto Service/Repair Station as an incidental accessory use shall be permitted.

4. Bed and Breakfast.

- A. No event space, public restaurant, or dining area shall be permitted as an accessory use.
- B. A maximum of twelve (12) guests shall be permitted to stay overnight.
- C. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by evergreen screening.
- D. At least one bathroom shall be provided for every 3 rental units, plus 1 bathroom for the operators.
- E. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of 4 square feet on each of 2 sides and with a maximum height of 8 feet.
- F. The use shall have a residential appearance and character.
- G. The use shall be operated by permanent residents of the lot.
- H. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
- I. No guest shall stay for more than 14 days in any month.
- J. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests.

- K. The applicant shall prove that any existing on-lot septic system is sufficient in size and that there is no visible sign of failure of the system.
  - L. Shall have a minimum setback from all residential lot lines of: 25 feet in any district where permitted.
5. Campground
- A. A maximum of two (2) campsites shall be permitted per acre of the lot.
  - B. Any sleeping quarters or tent sites shall not be within the 100-year floodplain, to protect the public safety.
  - C. A commercial campground shall include at least one permanent men's restroom and one permanent women's restroom and provide sewage facilities that comply with PADEP sewage requirements.
  - D. Maximum impervious coverage - 10 percent.
6. Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAO)
- A. All Concentrated Animal Operations and Concentrated Animal Feeding Operations are subject to regulations enforced by the State Conservation Commission (SCC) and the Pennsylvania Department of Environmental Protection, pursuant to its authority under the Nutrient and Odor Management Act and the Clean Streams Law, respectively, and its regulatory schemes. Where such uses are permitted as conditional uses, an applicant shall provide proof of compliance with all applicable State law, pending approval by the Board of Supervisors when such proof has been provided.
7. Contractor Office/Yard
- A. Outdoor storage areas.
    - (1) Access to and from any Outdoor Storage areas on a lot shall be paved or graveled to prevent any residual dust, dirt, or debris from spilling into public rights of way.
    - (2) Where adjacent to a residential lot, a twenty-five (25) foot landscape buffer in accordance with Section 605 shall be placed parallel to the entire adjoining residential lot line.
8. Convenience Store with Energy Recharge
- A. Canopy structures shall remain within the required setback lines.
  - B. A landscape plan shall be provided in addition to a site plan.
  - C. Maximum two (2) canopy structures.
  - D. Maximum six (6) pumps per canopy structure.
  - E. Maximum principal building square footage: 4,000 square feet.
  - F. Dumpsters shall be placed behind the principal building.
  - G. At least two access drives with a minimum width of 20 ft. shall be provided onto public rights-of-way.

9. Craftsman/Artisan Studio

- A. Equipment and/or materials related to the on-site production of crafted goods shall be completely enclosed in a permanent structure.
- B. The hours of operation will not have an adverse impact on adjacent property owners.
- C. During the hours from 7:00 a.m. to 8:00 p.m. no noise from this use shall exceed the applicable decibels as per Township Ordinance No. 45 and measured at the property line, unless otherwise determined by the Board of Supervisors.
- D. Where permitted, see additional standards in Section 504, for Outside Display of Merchandise.

10. Distribution Center, Type 1/Type 2. See § 624 Warehousing and Distribution Requirements.

11. Funeral Home. Minimum lot area – 1 acre.

12. Kennel.

- A. All buildings in which animals are housed and all runs shall be located at least 200 feet from all lot lines of existing residential uses and the boundaries of a residential districts.
- B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at a lot line of a residentially zoned lot or inside a dwelling.
- C. No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 300 feet of an existing dwelling.
- D. See State laws regulating kennels.
- E. A kennel may be used for breeding.
- F. Minimum lot area: 5 acres.

13. Group Care Facility or Personal Care Boarding Home

- A. Group Care Facilities or Personal Care Boarding Homes shall not be located within 5,000 feet of any existing Group Care Facility or Personal Care Boarding Home so as not to impact or adversely affect any particular neighborhood.
- B. Group Care Facilities or Personal Care Boarding Homes shall be located only on property which has direct access to an arterial street.
- C. Conversion of existing structures into a Group Care Facility or Personal Care Boarding Home must meet the site plan requirements for new construction according to this Chapter.
- D. Group Care Facilities or Personal Care Boarding Homes shall have a minimum lot size of 10,000 square feet.
- E. A buffer area of 15 feet shall be provided along all adjacent property lines. Type of screening shall be determined by the Board of Supervisors.



- F. Parking shall be required as follows: One space for every two employees, plus one space for every three residents.
- G. Group Care Facilities or Personal Care Boarding Homes must supply to the Township (and keep current) the name of a manager and/or other person responsible for responding quickly to a complaint filed by the Township.

14. High-Cube Transload & Short-Term Storage Warehouse. See Requirements in Section 624.

15. High-Cube Cold Storage Warehouse. See Requirements in Section 624.

16. High-Cube Parcel Hub Warehouse. See Requirements in Section 624.

17. High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse. See Requirements in Section 624.

18. Lumber Mill

- A. Noise. At no point shall the average noise level of any incidental activities exceed decibel values specified in Township Ordinance No. 45.
- B. An erosion and sedimentation plan must be completed and submitted in accordance with the Township's Subdivision and Land Development Ordinance.
- C. Driveways and Access must be paved to Township standards.
- D. All outside storage shall be screened in accordance with this Chapter.

19. Manufacturing, Light

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- C. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Supervisors to determine the appropriateness of the proposed activity in the location proposed.
- D. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- E. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- F. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning and/or purpose of the district or adjacent parcels.
- G. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

20. Medical Marijuana Dispensary Facility

- A. A Dispensary Facility must be owned and operated by a legally registered Dispensary in the Commonwealth and possess a current and valid Medical Marijuana permit from the DOH pursuant to the Act.
- B. A Dispensary Facility may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. Dispensary Facility may not operate on the same site that a Grower/ Processor Facility is located.
- D. Dispensary Facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of Medical Marijuana and unauthorized entrance into areas containing Medical Marijuana, all of which shall be in accordance with the Act.
- E. Permitted hours of operation of a Dispensary Facility shall be 8 AM to 8 PM (of the same calendar day).
- F. A Dispensary Facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of Medical Marijuana, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area of the Dispensary Facility.
- G. A Dispensary Facility shall
  - (1) Not have a drive-through service; Not have outdoor seating areas;
  - (2) Not have outdoor vending machines;
  - (3) Prohibit the administering of, or the consumption of, Medical Marijuana on the premises; and
  - (4) Not offer direct or home delivery service
- H. A Dispensary Facility may dispense only Medical Marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of the DOH.
- I. A Dispensary Facility may not be located within 2,500 feet of a property line of a public, private, or parochial school or day-care center. The distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- J. Dispensary Facility shall be a minimum distance of 1,000 feet from the nearest Medical Marijuana Facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation district does not apply to the distance between the Grower/ Processor

Facility or Academic Clinical Research Centers and the specific Dispensary Facility they serve, or with which they partner.

- K. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be considered in violation of these provisions by the subsequent location of public, private or parochial school or day-care center.
- L. All external lighting serving a Dispensary Facility must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties. See Article IX.
- M. Parking requirements will follow the parking regulations specified Within Required Number Of Off-Street Parking Spaces, Table D, pertaining to retail sales, one (1) off-street parking space per 150 square feet of total floor area (except one per 250 square feet of total leasable floor area if the total leasable floor area is greater than 25,000 square feet) plus one off-street parking space for each employee.
- N. A buffer yard is required pursuant to the applicable criteria of this Chapter.
- O. Entrances and driveways to a Dispensary Facility must be designed to accommodate the anticipated vehicles used to service the facility.
- P. The Dispensary Facility shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized.

#### 21. Personal Care Boarding Home

- A. Proof of applicable inspections and licenses granted by the Pennsylvania Department of Human Services, under the requirements contained in 55 Pa. Code Chapter 2600, as amended, shall be provided to the Board of Supervisors, pending approval of a Conditional Use Permit.

#### 22. Place of Worship/Place of Assembly

- A. Minimum lot area – 2 acres.
- B. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A nursery school/day care center is also Permitted, within the requirements for such use in this Section. Noncommercial buses used primarily to transport persons to and from religious services may be parked on the lot.
- C. A maximum of one (1) dwelling unit for employees of the place of worship may be accessory to a place of worship on the same lot.

#### 23. Restaurant, Sit-down and Restaurant, Quick Serve.

- A. Where applicable and in addition to the parking requirements of this Chapter, the Township reserves the right to require additional parking spaces for carry-out/delivery parking.

24. School, Post-Secondary/Primary and Secondary, Secondary Trade

- A. The minimum lot area shall be 5 acres, unless otherwise regulated within Pa. Code, Chapter 349, as amended.
- B. No children's play equipment, basketball courts or illuminated recreation facilities shall be within a required front yard or within 25 feet of a lot line of an existing dwelling.
- C. The use shall be served by both public sewer and public water services.
- D. The use shall not include a dormitory unless specifically Permitted in the District.
- E. The applicant's site plan shall include additional information about the access drives for drop-off and pick-up of children to ensure an orderly flow of traffic in and out of the site.

25. School, Pre-Kindergarten

- A. The applicant's site plan shall include additional information about the access drives for drop-off and pick-up of children to ensure an orderly flow of traffic in and out of the site.
- B. All regulations as prescribed by agencies, departments and as otherwise assigned by the Commonwealth of Pennsylvania shall apply.

26. Shopping Center

- A. The parking requirements of this use shall only be met by parking spaces located on the same lot on which the shopping center is constructed.
- B. Access provisions of this Chapter shall apply.
- C. Buffer yard provisions of this Chapter shall apply.
- D. All parking, loading, access and service areas shall be adequately illuminated at night. All lighting, including sign lighting, shall be arranged so as to protect streets and adjoining property from direct glare or hazardous interference of any kinds.
- E. Electric and telephone utility lines servicing the shopping center shall be placed underground.
- F. If the development of the center is to be carried out in stages, each stage shall be so planned and coordinated to meet all of the provisions of this Ordinance, especially including the access provisions.
- G. Parking areas for grocery and retail stores shall include at least two covered fenced enclosures for shopping carts within the parking lot, but no less than one such fenced enclosure for each 30 parking spaces allocated to such use.
- H. Goods shall not be offered for sale on sidewalks and other areas intended for pedestrian or vehicular circulation unless a temporary zoning permit has been issued for such sales pursuant to Section 611 of this Ordinance and such sales are part of a special promotional event.
- I. There shall be integrated architecture, landscaping, and screening to insure a cohesive development with compatible architecture.

27. Solar, Utility-Scale

- A. If lot or tract is located within the Township’s Rural Resource Overlay, see additional requirements in Section 402.
- B. Solar arrays may be located only on seventy-five (75) percent of the total Class 1 and 2 Agricultural Soils within the lot, tract, or development area, unless the area will be devoted to Agrivoltaic activities, in which case one hundred (100) percent of the Class 1 and 2 soils may be included in the lot, tract, or development area.
- C. Minimum setbacks shall be in accordance with Base Zoning District Requirements.
- D. If the lot or tract is adjacent to a residential lot, a minimum setback of fifty (50) feet from the property line, inclusive of screening in accordance with Section 604, shall be required.
- E. No lot line setback will be required where there is a grouping of two or more Utility-Scale Solar developments which are held by a common owner or leased to a common lessor and which are part of a single solar energy development project, where each applicable landowner has provided a written waiver of the lot line setback.
- F. A minimum of a fifty (50) foot buffer shall be maintained along either side of any regulated stream or regulatory wetland.

28. Truck Depot/Terminal.

- A. See requirements for “Distribution Center, Type 1/Type 2.”
- B. See requirements in Section 624 – Truck Parking and Storage of Trailers.

29. Warehouse

- A. In addition to the requirements within this section, the requirements for “Distribution Center, Type 1/Type 2” shall also apply.
- B. See requirements in Section 504 for "Outdoor Display of Merchandise.”
- C. No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses or similar items shall be Permitted.
- D. Special Dimensional Requirements for Warehouses:
  - (1) Maximum Building Height: 45 feet.
  - (2) Maximum Building Coverage: 45%.
  - (3) Maximum Impervious Coverage: 55%.
  - (4) Where the footprint of the proposed principal warehouse structure is greater than 100,000 square feet:
    - (a) Minimum Lot Area: 10 acres.
    - (b) All access points shall be a minimum of 250 feet from any residential lot.
    - (c) All drive aisles, loading/unloading areas, and parking areas intended for use by tractor-trailers as well as outdoor storage areas shall be a minimum of 250 feet from any dwelling.

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**ARTICLE VIII  
ENVIRONMENTAL PROTECTION**

**§ 801 Environmental Preservation Required.**

1. A use shall not occur in such a way that can be clearly proven on the basis of professional engineering and environmental study to be a significant hazard to the public health and safety or environmental quality.

**§ 802 Steep Slopes.**

[Slopes in Excess of 15 Percent (15 ft. vertical distance over 100 ft. horizontal distance)]

1. If the proposed site for a use other than crop fanning or an outdoor plant nursery includes land shown on the Official Zoning Map or otherwise suspected as having an average slope of greater than 15 percent, the Zoning Officer shall require the applicant to submit a site plan meeting the requirements of this section.
2. Required Site Plan. The required site plan shall include 2 foot slope contours (or another slope interval pre-approved by the Zoning Officer or Township Engineer), with all areas of slope between 15 and 25 percent and greater than 25 percent identified. The site plan shall be to scale and shall show substantial areas and types of vegetation.
  - A. The Zoning Officer may require a plan to be drawn by a professional surveyor, professional engineer or landscape architect.
  - B. For lots of more than 3 acres, only contours for those lands being considered for any disturbance of soil shall be required to be shown on the site plan.
3. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of greater than 15 percent and less than 25 percent, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
  - A. Residential uses - minimum lot area of 87,000 square feet per dwelling unit,
  - B. Commercial, institutional, or industrial use - minimum lot size of 2 acres per use and natural vegetation disturbed on a maximum of 30 percent of the lot area.
4. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of 25 percent or greater, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
  - A. Residential uses - minimum lot area of 4 acres per dwelling unit,
  - B. Commercial, institutional or industrial use - minimum lot area of 5 acres per principal use and natural vegetation disturbed on a maximum of 15 percent of the lot area.
5. Streets and Driveways. See applicable slope standards in the Township Subdivision and Land Development Ordinance.

6. Erosion. If an area of greater than 15 percent slope is to be disturbed, a Sedimentation and Erosion Control Plan shall be submitted to the Township for review and shall be put into effect. The Zoning Officer may require that the applicant submit the plan to the County Conservation District for review.
7. Grading. See Section 1608 for grading controls. No grading shall occur in such a way that would circumvent the requirements of this Ordinance. These steep slope requirements shall apply on the basis of the slope of land at the time of the adoption of this Ordinance.
8. Man-Made and Small Sloped Areas. This section shall not apply to steep slopes that were man-made and were not naturally steep slopes. This section also shall not apply to lots that would only contain less than 1,500 square feet of land with slopes steeper than 15 percent.

**§ 803 Wetlands.**

1. If a reasonable doubt exists in the determination of the Zoning Officer or Township Engineer whether a portion of a site would meet one or more State or Federal definitions of a "wetland", the Zoning Officer shall require the applicant to provide a study by a qualified professional delineating whether wetlands exist prior to construction.
2. All applicants are put on notice that Federal regulations may require a property owner to demolish newly constructed buildings and to remove all fill if land meeting a definition of "wetland" is altered.
3. All Permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations.

**§ 804 Setbacks from Surface Waters.**

1. Intent. To protect the water quality of surface waters in the Township, to preserve physical access to surface waters in case of future public acquisition, to minimize erosion and sedimentation, to preserve the natural storm water drainage system of the area and to conserve sensitive wildlife and aquatic habitats. To provide for setbacks that can be used as required yard areas for a use.
2. Setbacks From Major Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of each closest bank of a major surface water. See the Township floodplain map in case a wider area is regulated under the Floodplain Ordinance. The exact location of the top edge of the bank shall be determined by the Township Engineer. Major surface waters are defined as the East and West Branches of the Monocacy Creek.
3. Setbacks From Minor Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 50 feet of the center of the water of any minor surface waters. Minor surface waters are defined as the Schoeneck Creek.
4. Exemption. The setbacks of this Section shall not apply to public utility facilities or publicly-owned recreational facilities.



5. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed.
6. Riparian Areas. Existing Riparian Buffers shall be defined as a land area of vegetation that is maintained along the shore of natural watercourse to protect water quality, enhance the aquatic ecosystem and stabilize the natural watercourse banks and channels. This riparian buffer area is defined by an area at 100 feet from the top of the watercourse at the buffer's uphill edge located on both sides of the watercourse. Riparian areas can include floodplain and wetland areas.
  - A. On each new lot that is adjacent or contains a riparian area, the riparian area must be shown on the lot site plan and be defined as a permanent conservation easement on the recorded lot deed with the following deed covenants and restrictions:
    - (1) No tree shall be felled and removed for any reason in a riparian area except by disease or damaged by weather. A zoning permit must be secured by the landowner for the removal of any tree. No earthmoving or commercial forestry shall take place within a riparian area. Trees may be removed from wetlands not located in riparian areas but must be chained out to prevent damage to the wetlands. Riparian areas cannot be mowed or trimmed except to remove noxious or invasive plant species such as purple loosestrife, bull thistle phragmites and other weeds as defined in the PA State Noxious Weed Control List.
    - (2) Only approved utility crossings are allowed in riparian areas. All trees and vegetation removed for this utility crossing must be replanted within 30 days of completion. A landscaping plan must be provided and approved by the Township Zoning Officer prior to any earthmoving.
    - (3) No livestock including horses and dog runs, shall have access to any areas within a defined riparian area unless approved by the Township by special exception zoning approval and by the Natural Resource Conservation Service. This includes all grazing and feeding and drinking areas for the livestock.
    - (4) Motorcycle racing dirt tracks and snow mobile racing tracks are prohibited in riparian areas.
    - (5) Any trees damaged or destroyed in a riparian area will be replaced by a tree of at least six foot high if it is determined that the tree was illegally removed or damaged,
    - (6) Earthmoving in a riparian area is prohibited except for utility crossings.

**§ 805 Alluvial Soils.**

1. Definition. Alluvial soils are areas designated as such by the U. S. Soil Conservation Service County Soil Survey.
2. Applicability of Floodplain Ordinance. If construction or grading is proposed within an area that has been designated as alluvial soils along a segment of a creek or major drainage swale that has not been included in the Federal 100-year floodplain study, or within a major drainage

channel that the Township Engineer has reason to suspect may be within the 100-year floodplain, the applicant shall be required to complete a study to determine the extent of the 100-year floodplain.

3. Study. The study shall be in accordance with Federal floodplain methodology, as described in the Township Floodplain Ordinance. The full cost of the study and any review by the Township Engineer shall be borne by the applicant.
4. Effect. Within any area determined to be within the 100-year floodplain, the regulations of the Township Floodplain Ordinance, as amended, shall apply.
5. Option. The applicant may choose to not accomplish the floodplain study. In such case, the alluvial soils areas along unstudied segments and/or the width of the drainage channel suspected of being a floodplain shall be required to meet the same requirements as the 100-year floodplain.

#### **§ 806 Floodplain Areas.**

1. The requirements of the Township Floodplain Ordinance, as amended, shall apply, and are hereby incorporated into this ordinance by reference.

#### **§ 807 Preservation of Trees and Forests.**

1. Intent. To encourage the protection of wildlife and bird habitats, increasing groundwater recharge, minimizing the pollution of creeks by high temperature runoff, maintaining the attractive character of areas, and conserving energy.
2. Forestry. The recommendations in this section shall not apply to approved forestry in compliance with applicable State regulations, nor to the cutting down of up to ten (10) percent of the trees of greater than six (6) inches diameter (measured at a height of three (3) feet above the surrounding ground level) on a lot or tract in any calendar year, which is permitted by right in all districts.
3. Tree Removal. No more than ten (10) trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of six (6) inches or more (measured at a height 3 feet above original grade) shall be removed in any calendar year as part of the development of a use unless each such additional tree meets or will meet one or more of the following conditions:
  - A. Is located within ten (10) feet of an uncurbed vehicular cartway,
  - B. Is within a proposed or existing vehicular cartway, shoulder or sidewalk,
  - C. Is within ten (10) feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system,
  - D. Is within twenty-five (25) feet of the foundation of an approved structure,
  - E. Is within an approved utility corridor,

- F. Is diseased, dead or poses a clear danger to a structure, utility or public improvement,
  - G. Is a hazard to vehicular sight distance,
  - H. Is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional five (5) years,
  - I. Is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
  - J. Is within an area that must be cleared to develop an approved golf course, or
  - K. Is necessary to allow longer rows for crop fanning.
4. Protection of Trees During Construction. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with mature trees with the closest trunk width if available, in addition to any penalty that may be exercised under this Ordinance.
5. Applicability. This section shall not apply to an owner of a residential lot of less than four (4) acres after occupancy.
6. Preservation of Trees Within Non Riparian Buffer Areas. See Section 1404.D.3.c.

**§ 808 Stripping of Topsoil.**

- 1. The permanent stripping and substantial removal of topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop fanning practices.

**§ 809 Placement of Outdoor Machinery and Dumpsters and Required Fencing of Outdoor Storage.**

- 1. Placement. All outdoor machinery that could create a noise nuisance shall be placed on a side of a commercial or industrial building that does not face an abutting existing dwelling, residential district or other noise-sensitive use.
- 2. Safety. Potential hazards involving outdoor machinery and storage shall be marked.
- 3. Trash Dumpster and Solid Waste Containers. All trash dumpsters shall be screened on three (3) of four (4) sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. This screening shall be done with a solid wooden fence, brick wall or evergreen plants. No dumpster shall be kept within twenty (20) feet of a dwelling unit other than that of the owner. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain at least two (2) outdoor solid waste receptacles at convenient locations on the property for customer use.

4. Fencing of Outdoor Storage. Outdoor industrial storage areas involving storage covering more than five thousand (5,000) square feet of land, and any stationary hazardous machinery and equipment that are outdoors shall be secured by fencing or walls at least six (6) feet in height, unless the applicant proves in writing to the satisfaction of the Zoning Officer, who may request a review by the Township Engineer, that such fencing or walls are not needed. No fencing shall be constructed with barbed wire.

**ARTICLE IX**  
**PERFORMANCE STANDARDS**

**§ 901 Purpose.**

To ensure general safety and compatibility of land use activities on and between all lots, the Township sets forth a series of performance standards.

**§ 902 Applicability.**

The following standards shall apply to all lots within the Township.

**§ 903 Light Glare.**

1. Street Lighting Exempted. This Section shall not apply to street lighting that is owned or maintained by the Township or the State.
2. Nonresidential Uses.
  - A. Compliance. In addition to the requirements within this Section, all lighting fixtures shall be constructed and maintained in accordance with Dark-sky Compliance and respective IDA Fixture Seal of Approval, or an equivalent compliance measure, subject to review and approval by the Zoning Officer.
  - B. Where applicable, a building permit shall be required for all new exterior lighting, including site lighting; any form of illumination of buildings or structures or parts of buildings or parts of structures; and illumination of signs, logotypes, or other forms of advertising. Building plans and or site plans required as part of an application for a building permit shall clearly illustrate and completely describe any proposed exterior lighting and shall provide a statement of type, intensity, and purpose of such lighting.
3. Height of Lights.
  - A. In Mixed Use and Industrial Districts, lighting fixtures shall be a maximum of twenty (20) feet in height, unless the Board of Supervisors approve alternative types and heights of fixtures upon request of the applicant.
  - B. In all Other Districts, no luminary, spotlight or other light source that is within two-hundred (200) feet of a dwelling, residential district, or agricultural district shall be placed at a height exceeding thirty (30) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
4. Diffused Lighting. All light sources, including signs, shall be diffused with a translucent or similar cover to prevent exposed bulbs from being directly visible from abutting streets or lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.
5. Flickering. Flashing, flickering or strobe lighting is prohibited, except for non-advertising seasonal lights between October 30th and January 5th.

**§ 904 Radioactivity and Electrical Disturbances.**

1. No use shall cause electrical disturbances to equipment on other lots.
2. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also PA.DEP regulations.

**§ 905 Storage of Explosive and Hazardous Substances.**

1. No above ground or surface storage of potentially explosive or hazardous liquids, gases or chemicals in any quantity in excess of 200 cubic feet in volume shall be stored or maintained within 150 feet of a residential district boundary or dwelling, except for the following substances for on lot use: building heating fuels, fire suppression chemicals, fertilizers, janitorial chemicals and printing supplies.
2. All outdoor above ground storage facilities areas for potentially explosive or hazardous liquids, gases or chemicals shall be enclosed by a secure chain link or similar fence with a minimum height of 7 feet, and shall include a sign stating their contents,
3. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could:
  - A. contaminate groundwater or surface water,
  - B. render groundwater or surface water undesirable as a source of water supply or recreation, or
  - C. seriously harm the aquatic life of a creek or other water body.
4. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to an engineered collection area.

**ARTICLE X  
OFF-STREET PARKING AND LOADING**

**§ 1001 Required Number of Off-Street Parking Spaces.**

1. Requirement.
  - A. Each use established, enlarged, or changed in any district shall provide and maintain off-street parking spaces in accordance with Table D (in the Parking Appendix) and the regulations of this Article.
  - B. Uses not specifically listed in Table D shall comply with the requirements for the most similar use listed in Table D.
  - C. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table D or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under this Chapter.
  - D. Where the computation of required parking spaces does not result in a whole number, any percentage over 0.50 shall count as one.
2. Conditional Reduction in Off-Street Parking Area.
  - A. Intent. To encourage the minimizing of impervious surfaces, while ensuring adequate parking will be provided. To recognize that unique circumstances may justify a reduction in required parking.
  - B. Following a review and recommendation by the Planning Commission, the Zoning Hearing Board may permit a reduction, through the Special Exception review process of this Chapter, of the number of parking spaces to be initially developed as required by this Article, provided each of the following conditions are satisfied:
    - (1) The Applicant shall demonstrate to the Board, using existing and projected (five years) employment, customer, resident or other relevant data, that a reduction in the off-street parking spaces to be initially developed as required by Section 1701.A. is warranted.
    - (2) The Applicant shall submit plans that show how the total parking required by this Chapter associated with site build-out will be accomplished, as needed, in the future.
  - C. The plans shall clearly designate which of these parking spaces are proposed for immediate use and which spaces are proposed to be conditionally reserved for potential future use. The portion of the required parking spaces conditionally reserved for potential future use shall not be within areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.
  - D. The Applicant shall enter into an agreement with the Township requiring the Applicant to (a) maintain each conditionally reserved parking area as attractively landscaped open

space unless needed for parking and (b) convert some or all of the conditionally reserved area to additional off-street parking if at any time the Board finds that additional parking is needed.

- E. This agreement shall be recorded to the deed as a covenant running with the land.
- F. The Zoning Officer shall bring the parking reduction agreement to the Board for reconsideration if the Zoning Officer determines that the reduced parking is not meeting actual needs, based upon field investigations.

**§ 1002 General Regulations for Off-Street Parking.**

1. General. The parking spaces and accessways shall be laid out in a safe and efficient method that takes into account the location of access to the property, loading areas, pedestrian circulation and any drive-thru facilities.
2. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article, provided that the kind of use is not changed or expanded and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.
3. Changes in Use. Whenever a building or use (including those specified in this Chapter is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of this Chapter for an increase of 10 percent or more in the number of existing parking spaces, the number of total spaces to be provided shall be based upon the total parking that would be required for the entire existing and proposed use.
4. Continuing Obligation.
  - A. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
  - B. Off-street parking spaces shall not be reduced in number except when such reduction is in conformity with the requirements of this Article.
5. Conflict With Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve. Required parking spaces shall not be used for storage or display of materials or vehicles for sale.
6. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served.
7. Joint Parking Lots.
  - A. Two or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually (except as provided below).
  - B. The applicant may seek to prove that the parking requirement should be reduced under



the provisions of this Chapter. because the uses would have their peak parking at different times of the day or have overlapping customers.

- C. If two (2) separate principal business uses on separate abutting lots develop a shared driveway system and an integrated shared parking lot, the number of required parking spaces for each use shall be reduced by 10 percent.

**§ 1003 Design Standards for Off-Street Parking.**

1. General Requirements for Nonresidential Uses.

- A. Every parking facility shall be designed so that its use does not constitute a nuisance, hazard or unreasonable impediment to traffic.
- B. Every parking area shall be at arranged for orderly, safe movement.
- C. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family, two-family, or townhouse dwellings with its access onto a local street or parking court.
- D. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the movement of any other vehicle.
- E. No parking area shall be located in the required buffer yard. within a future street right-of-way or within a required paved area setback.
- F. No parking or other paved area shall be located within 10 feet of a septic system absorption area.
- G. Defined Traffic ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised concrete curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
- H. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. Such planting strip shall have a minimum width of 20 feet unless a wider width is required by Township. As part of any change in the type of non-residential principal use or any expansion of a non-residential principal use, the requirements of this section shall be met.
- I. Stacking. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

2. Size and Marking of Parking Spaces.

- A. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except:
  - (1) That the minimum length shall be 22 feet for parallel parking.
  - (2) That if a lot includes more than 100 parking spaces, a maximum of 5 percent of the required spaces may be a rectangle with a minimum width of 8 feet and a minimum length of 16 feet, provided that those spaces are designated as "Compact Cars Only" and provided that those spaces are distributed in different portions of the lot and do not include the most desirable spaces in the lot.
- B. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.

3. Aisles.

- A. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

| Angle of Parking       | Minimum Width | Aisle |
|------------------------|---------------|-------|
| Parallel or 30 degrees | 12 feet       |       |
| 45 degrees             | 14 feet       |       |
| 60 degrees             | 18 feet       |       |
| 90 degrees             | 20 feet       |       |

- B. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for areas of parking for employees primarily for 8 hours or longer.
- C. Maximum length of parking aisle - 200 feet.

4. Access Drives and Driveways.

- A. Width of Driveway/Accessway at Entrance onto Public Street (within the public right-of-way)

|         | <u>1-Way Use</u> | <u>2-Way Use</u> |
|---------|------------------|------------------|
| Minimum | 12 feet          | 20 feet          |
| Maximum | 20 feet          | 35 feet          |

- B. Maximum Grades of Driveways.
  - (1) Driveway serving 1 dwelling unit or agricultural use - 12% maximum grade.
  - (2) Any other driveway or accessway - 10% maximum grade.

- (3) Initial 20 feet from the edge of a cartway of a public street - maximum of 5% grade.
  - (4) Any stricter requirements that may be in the Subdivision and Land Development Ordinance shall apply.
  - C. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
  - D. Separation Between Driveways. At least 50 feet shall be provided between any 2 accessways or driveways along one street along one lot.
  - E. Separation from Intersection. No access drive or driveway shall open onto a public street less than 80 feet from the existing right-of-way line of any intersecting public street.
  - F. State Permit. Where there will be new or intensified access to a State street, a State Highway Occupancy Permit shall be obtained.
  - G. Sight Distance for Driveways. See sight distance criteria within Chapter.
  - H. Driveway Setback from Residential Lot Lines. The following minimum setbacks shall apply for a driveway from the abutting lot line of an existing or approved residential lot, unless shared or converged driveways are specifically approved by the Township:
    - (1) No setback required if buildings are attached along the subject lot line or where the Township approves or requires shared parking lots across the subject lot line,
    - (2) 10 feet on any other lot.
    - (3) Outside any drainage/utility easement unless approved by the Township Board of Supervisors by a recorded deed easement agreement.
    - (4) 20 feet from any wetland.
5. Paving, Grading and Drainage.
- A. Driveways shall be paved at least to the setback line of the lot.
  - B. Except for areas that are landscaped and so maintained, all portions of required parking and off-street loading facilities, including driveways, shall be graded, and drained in ways necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.
  - C. Gravel surfaces on portions of parking areas shall be permitted by the Zoning Officer if the applicant proves to the satisfaction of the Zoning Officer that that parking area will be used primarily for long-term storage or will be used less than 14 days in any calendar year.
6. Nighttime Illumination.
- A. Any parking area of 10 or more spaces designed for use during night hours shall be adequately illuminated for security purposes at no cost to the Township.
  - B. See also "Light, Glare" in this Chapter.

7. Paved Area Setbacks (including Off-Street Parking Setbacks).

- A. Intent. These setbacks are required to ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic. These setbacks are also intended to aid in storm water management along streets.
- B. Uses Within the Paved Area Setback. The setback areas required by this section, together with any existing or future tight-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in grass or other appropriate natural groundcover and shall not be covered with paving, except for approved driveway or accessway entrances and any concrete sidewalks of 6 feet wide or less. Storm water control facilities that are not impervious may be located within the paved area setback. No fence or parking or storage or display of vehicles or items for sale or rent shall be located within the paved area setback. A permitted freestanding sign may be Permitted in this setback area.
- C. This setback area, along with any curbing, shall be designed to prevent vehicles from entering or exiting the lot at locations other than approved driveways.
- D. The following minimum paved area setbacks shall apply:

| If a paved area abuts:                                | Minimum paved area setback<br>(Measured from future right-of-way line) |
|---|--|
| Expressway or expressway ramp or arterial street:     |  |
| For lot with 2 acre or less of impervious coverage    | 20 feet  |
| For lot with more than 2 acres of impervious coverage | 30 feet  |
| Collector or local street                             | 20 feet  |

- E. Buffer Areas Between Uses. See Buffer Area requirements.
- F. Setback from Commercial and Industrial Buildings. All paved areas, except concrete sidewalks, shall be set back a minimum of 5 feet from the exterior structural walls of any commercial or industrial building. This setback shall not apply to driveways entering into a garage, loading/unloading area, vehicle service bay or attached carport. This setback is intended to allow sufficient area for firefighting, sidewalks and foundation landscaping.
- G. Mulch beds shall not be placed within 3 feet of the building structure.

8. Paved Area Landscaping.

- A. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
- B. Any lot that would include more than 15 parking spaces shall be required to provide landscaped areas within the paved area. This required landscaped area shall be equal to a minimum of 10 percent of the total paved area. A maximum of 15 consecutive and

contiguous parking spaces in a row shall be allowed without being separated by a landscaped concrete curbed area. At least one deciduous tree shall be placed in each concrete curbed area.

- C. One deciduous tree shall be required for every 3000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Ordinance or by the Subdivision and Land Development Ordinance.
- D. Trees required by this section shall meet the following standards:
  - (1) Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution. If more than twenty (20) trees are required, no more than sixty (60) percent shall be of any one (1) type.

| <b>Types of Trees Permitted</b>                         |  |
|---|--|
| Tilia cordata - Little Leaf European Linden             | Acer saccharum - Sugar Maple             |
| Acer rubrum - American Red Maple                        | Celtis occidentalis - Common Hackberry   |
| Fraxinus pennsylvanica - Green Ash                      | Fraxinus americana - White Ash           |
| Quercus borealis - Red Oak                              | Gleditsia triacanthos - Thornless Locust |
| Quercus phellos - Willow Oak                            | Sophora japonica - Chinese Scholar Tree  |
| Quercus coccinea - Scarlet Oak                          | Fagus sylvatica - European Beech         |
| Quercus macrocarpa - Bur Oak                            | Tilia americana - American Linden        |
| Quercus alba - White Oak                                | Tilia petiolaris - Silver Linden         |
| Quercus acutissima - Sawtooth Oak                       | Tilia euchlora - Crimean Linden          |
| Quercus imbricaria - Shingle Oak                        | Zelkova serrata -- Zelkova               |
| Quercus montana - Chestnut Oak                          |  |
| Quercus velutina - Black Oak                            |  |
| Ginkgo biloba fastigiata - Maiden Hair Tree (male only) |  |

- (2) Quality of Trees.
  - (a) Required trees shall be of nursery stock quality, symmetrical growth and free of insect pests and disease.

- (b) Trees which have died or have become diseased or pest ridden within 18 months from the time of planting shall be replaced by the developer. This statement shall be placed on the recorded land development plan.
    - (3) Minimum Size. The trunk diameter (measured at a height of 1 foot above the finished grade level) shall be a minimum of 3 inches or greater. Minimum height shall be 12 feet.
    - (4) Planting and Maintenance.
      - (a) Trees shall be planted in conformance with good landscaping practices.
      - (b) Trees shall be properly protected by raised curbs or similar devices from damage from vehicles.
      - (c) Trees shall be properly maintained and shall not be removed without being replaced by another tree that meets the requirements of this section.
  - E. At least 50% of the trees required by this section shall be planted within the parking lot within protected curbed islands. These protected islands should be used to direct the flow of traffic through the parking lot in a smooth and safe manner to prevent "cross-taxi-ing." Required trees are also encouraged to be planted in highly visible locations, especially at the edge of parking areas abutting arterial streets. Landscaping islands shall not be used as the walking path between the structure and parking lot. Alternative access must be provided to prevent pedestrians from walking through and/or on the islands.
  - F. Existing Trees. For every existing tree on the lot that is healthy and is preserved and maintained after the completion of all construction and that would generally meet the requirements of this section:
    - (1) 1 less deciduous tree shall be required to be planted for every such preserved tree with a minimum trunk diameter of between 4 and 18 inches (measured 1 foot above the natural ground level), and
    - (2) 2 less deciduous trees shall be required to be planted for every such preserved tree with a minimum trunk diameter of 18 inches or greater {measured 1 foot above the natural ground level).
    - (3) The applicant shall identify trees to be protected on a plan and indicate the method of protecting each tree. In general, the drip line of each tree shall be protected by physical means.
9. Parking Lot Screening.
- A. No off-street parking area shall be developed in such a way that vehicle headlights could shine into a dwelling located within 150 feet or less of the parking area.
  - B. Wooden fencing, guide rails, brick walls or evergreen screening shall be required as needed to resolve the concern of this section. Such screening or fencing shall have a minimum height of 4 feet, except that screening or fencing of up to 8 feet shall be required

by the Zoning Officer as needed where there is unusual topography or the parked vehicles would be trucks or buses.

10. Handicapped Parking. See the Township Building Code.

**§ 1004 Shared Off-Street Parking.**

1. The purpose of Shared Off-Street Parking shall be to:
  - A. Optimize available parking resources within the Township;
  - B. Minimize construction and maintenance costs associated with parking spaces;
  - C. Enhance the existing character of the community by providing greater pedestrian access to and from shared off-street parking spaces; and
  - D. Maximize the land available for the development of public open space, residential, and mixed-use development.
2. The shared use of parking for two or more principal uses shall be subject to the following criteria:
  - A. Shared Off-Street Parking Agreement.
    - (1) As part of a zoning application, the Applicant shall present a notarized Shared Off-Street Parking Agreement, which identifies the following:
      - (a) The names and contact information for each landowner involved in the Shared Off-Street Parking Agreement;
      - (b) The parcel numbers for each subject lot identified; and
      - (c) Existing land uses for each subject lot.
    - (2) Shared Off-Street Parking Model
      - (a) To identify where off-street parking spaces can be used for multiple land uses, the Applicant shall prepare a model demonstrating the typical hourly demands for all land uses identified in the Shared Off-Street Parking Agreement. The typical hourly demands shall be based on cited metrics published by the Urban Land Institute and are subject to any adopted/published changes to best practices.
      - (b) The model shall identify the number of available off-street spaces for each subject lot at peak hour, further demonstrating where vacant spaces can be used for other land uses.

- (3) Approval for shared off-street parking shall be based on the accuracy of all calculations presented in the Shared Off-Street Parking Model and in accordance with the provisions stated herein.

**§ 1005 Off-Street Loading.**

1. General Requirements.

- A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.
- B. At the time of site plan review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities and whether conflicts will be prevented with parking and traffic circulation on and off of the lot. For the purposes of this Section, loading and unloading shall have the same meaning.

2. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

- A. Each off-street loading space shall be at least (in feet):

| <u>Largest Type of Truck Intended</u>                | <u>Minimum Width</u>                               | <u>Minimum Depth</u> |
|--|--|----------------------|
| Tractor-trailer                                      | 12 (except 11 if more than 5 such spaces on a lot) | 50                   |
| Trucks Other than tractor-trailers, pick-ups or vans | 12   | 25                   |
| Pick-Up Truck or Van                                 | 10   | 18                   |

- B. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.
- C. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street rights-of-way.
- D. An appropriate means of access to a street or alley shall be provided.
- E. Paving, Grading and Drainage. See the associated sections of this Chapter.
- F. No such facilities shall be designed or used in any manner so as to constitute a significant nuisance, public safety hazard or an unreasonable impediment to traffic.
- G. All such facilities shall comply with the lighting requirements of this Chapter and the landscaping requirements of this Chapter.



3. Fire Lanes. The following principal uses must implement all applicable regulations of State or Federal entities and other associated Township ordinances.
  - A. Shopping Centers.
  - B. Restaurants.
  - C. Warehouses over 10,000 sq. ft.
  - D. Professional Offices and Retail over 10,000 sq. ft.
  - E. Child Care Centers, Family and Group Child Care Homes.
  - F. Schools, Primary and Secondary/Post-Secondary/Pre-Kindergarten/Secondary Trade.
  - G. Hospitals.
  - H. Indoor Movie Theater.
  - I. Hotel.
  - J. Any structure over three (3) stories in height.
  - K. Group Home.
  - L. Nursing Home.
  - M. Any commercial, residential, institutional, or industrial building that is occupied by ten (10) or more people at any one time.
  - N. All fire lanes must be clearly painted with diagonal reflective yellow stripes with a minimum of two (2) no-parking or standing fire lane signs with the penalty for violation stated on the sign on each side of the structure. Emergency access lanes may replace the fire lanes if approved by the Township fire officials.

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**ARTICLE XI  
SIGNS**

**§ 1101 Scope and Applicability.**

1. The purposes of this Article shall be to:
  - A. Promote and maintain overall community beautification;
  - B. Establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content;
  - C. Promote traffic safety by avoiding distractions and sight distance obstructions;
  - D. Protect property values and ensure capability with the character of neighboring existing and planned land uses; and
  - E. Assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.

**§ 1102 Nonconforming Signs.**

1. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. Any nonconforming sign which is damaged to an extent of twenty-five (25) percent or more of its cost of replacement or that is removed shall be replaced only with a conforming sign, except as below.
2. The Zoning Hearing Board may allow the voluntary replacement of existing lawful nonconforming freestanding and wall signs by signs with a smaller sign area and lower height as a special exception provided that the new signs would be of such a size, character and illumination that they would not conflict with adjacent uses.

**§ 1103 Definition of Signs.**

1. See Section 1202.

**§ 1104 Construction.**

1. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated may be repaired or removed by the Township at the expense of the owner or lessee of the property on which it is located.

**§ 1105 Abandoned or Outdated Signs.**

1. Signs advertising a use no longer in existence or a product no longer available shall be removed, painted to be blank or changed to advertise the new use or product within sixty (60) days of the cessation of the original use.

**§ 1106 Exempt Signs.**

1. The following type of signs are exempt from the regulations of this Ordinance:
  - A. Temporary Signs.
  - B. Official Signs. These are not regulated in any form by this Ordinance.
  - C. Memorial or historic markers. When approved by the Board of Supervisors or a State or Federal government agency,
  - D. Signs physically carried by a person, which are Permitted without regulation by this Ordinance.
  - E. Signs Not Visible. Signs that are not visible from a public street or any exterior lot line are Permitted without regulation by this Article.
  - F. Officially Required Signs. Signs that include only such information as is specifically required to be posted out of doors by a government agency or the Township are Permitted without regulation by this Article.
  - G. Very Small Signs. Signs of less than one square foot in area that cannot be read by a person of normal eyesight from a public street, or any property line are permitted without regulation by this Article.
  - H. Window Signs. Window signs that are not of a permanent nature, provided that they meet the other requirements of this Article.
  - I. Decorations. Decorations for a Township, County, State or Federal government recognized holiday provided they are posted not more than twenty (20) days (except 60 days prior to Christmas) prior to the event and removed within ten (10) days after the event.
  - J. Flags. Flags of any nation or level of government.
  - K. Signs Within Right-of-Way. Signs within the existing right-of-way of a public street when officially authorized by the Board of Supervisors or PennDOT, as appropriate.

**§ 1107 General Location.**

1. Setback From Streets. No sign shall be erected within five (5) feet of or project over any existing and/or future street right-of-way.
2. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of this Chapter.
3. On-Premises. No signs except Permitted Off-Premises, Official, or Public Service Signs shall be erected on a property not owned by the proprietor of or owner responsible for the placement of the sign.
4. Setbacks. No sign shall be located within a required side or rear setback for an accessory structure, except along lot lines that abut a commercially or industrially-used or zoned lot

(other than a street right-of-way). A sign may be located within a required front yard, provided that the "setback from streets" in this Section is complied with.

5. Permission of Owner. No off-premises sign shall be posted on any property, unless permission has been received by the owner.
6. No sign shall be posted on any utility, telephone pole or any public utility pole.
7. No temporary signs shall be placed within Penn Dot or Township legal rights-of way.

**§ 1108 Illuminated Signs.**

1. See Section 903.
2. Times of Illumination. Signs within two hundred (200) feet of a dwelling or a residential district should not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

**§ 1109 Vehicle Signs.**

1. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself, shall be considered a freestanding sign and as such be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

**§ 1110 Signs Prohibited in All Districts.**

1. General Restrictions.
  - A. Signs that include words or images that are obscene, pornographic, and/or speech not protected by the First Amendment, pursuant to the United States Supreme Court, shall be prohibited in all zoning districts.
  - B. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
2. Specific Types of Signs. The following types of signs shall be prohibited in all zoning districts:
  - A. Any sign that emits smoke, visible vapors or particles, sound or odor.
  - B. Signs that are of such character, form, shape, or color that they imitate or resemble any official traffic sign, signal or device to an extent that threatens the public safety of pedestrians and/or vehicular traffic.
  - C. The outlining of rooflines, doors, windows or wall edges by illuminated neon light tubing.
  - D. Signs that use reflective materials to give the appearance of flashing, blinking, twinkling or electronically changing messages.
  - E. Balloons of greater than five (5) cubic feet.

- F. Any sign on a mobile stand.

**§ 1111 Area of Signs.**

1. The following regulations shall be used in computing the area of signs:
  - A. "Sign area" shall include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the total area of each sign on the structure.
  - B. The sign area shall not include any structurally supporting framework and bracing, nor wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the display itself.
  - C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular shape, including the sign background, which encompasses all of the letters and symbols.
  - D. In computing the sign area of a sign with only two faces, only the sign area of one side (the larger of any two if they differ) shall be considered. If the interior angle formed by the two faces of the double-faced sign is greater than 60 degrees, then both sides of such sign shall be considered in calculating the sign area. No sign shall have more than two faces.
  - E. Unless otherwise specified, all square footages are maximum sizes.

**§ 1112 Sign Permissions.**

1. Table X establishes the following:
  - A. The following signs require a permit
  - B. The respective districts where specific sign types are allowed, subject to permit requirements set forth in this Article.

**Table X: Sign Type Permissions**

P: Sign is allowed, subject to all relevant permit requirements

|                           | TD1 | TD2 - 5 | TD6 | TD7 | TD8 | TD9 | TD10 | TD11            |
|---------------------------|-----|---------|-----|-----|-----|-----|------|-----------------|
| <b>On-Premises Signs</b>  |     |         |     |     |     |     |      |                 |
| <b>Freestanding</b>       |     |         |     |     |     |     |      |                 |
| A-Frame Sign              | P   |         | P   | P   |     | P   |      |                 |
| Ground Sign               | P   | P       | P   | P   | P   | P   | P    | P               |
| Pylon Sign                |     |         | P   | P   | P   |     |      |                 |
| <b>Building</b>           |     |         |     |     |     |     |      |                 |
| Wall Sign                 | P   | P       | P   | P   | P   | P   | P    | P               |
| Window Sign               |     |         | P   | P   | P   | P   | P    | P               |
| Projecting Sign           |     |         | P   | P   | P   | P   | P    | P               |
| Marquee Sign              |     |         | P   | P   | P   | P   | P    | P               |
| Awning Sign               |     |         | P   | P   | P   | P   | P    | P               |
| Building Identification   |     |         | P   | P   | P   | P   | P    | P               |
| Canopy Sign               |     |         |     | P   | P   | P   | P    | P               |
| <b>Off-Premises Signs</b> |     |         |     |     |     |     |      |                 |
| <b>Freestanding</b>       |     |         |     |     |     |     |      |                 |
| Billboard                 |     |         |     |     |     |     |      | See Section 621 |

**§ 1113 Sign Dimensional Criteria.**

See Appendix A.

**§ 1114 Approval of Signs Associated with Proposed Conditional Uses and Special Exception Uses.**

1. Any new or expanded sign that is to be associated with a proposed Conditional or Special Exception use or an expansion or change of a nonconforming use shall be reviewed and either be approved or denied at the same time that the Conditional or Special Exception use or nonconforming use is being reviewed. The Zoning Hearing Board shall consider compatibility with adjacent land uses at that time.

**§ 1115 Sign Area Bonuses.**

1. Intent. To encourage designs of signs that will be highly compatible with nearby residences and other attractive natural features and areas.
2. Applicability. These bonuses may apply to any freestanding on-premises sign in a TD6, TD7, TD8, TD9, TD10, or TD11 District.
3. Wood. Twenty-five (25) percent sign area bonus when a sign area is constructed completely of natural wood (other than required fasteners) and all freestanding signs on the lot have a maximum height of ten (10) feet.

**§ 1116 Digital Signs or Electronically Changing Signs.**

1. Digital signs shall only be permitted to be located within five hundred (500) feet of the right-of-way, as permitted within a TD8 Zoning District. Where applicable, such signs shall be located, constructed, and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Lower Nazareth Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - A. A digital sign shall not be placed within one thousand (1,000) feet of a residential dwelling unit or residentially zoned land, as measured from a point directly opposite the sign, along the nearest edge of the right-of-way on the same side of the roadway.
2. Electronically changing message signs shall only be permitted to be located within fifty (50) feet of the right-of-way. Where applicable, such signs shall be located, constructed, and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Lower Nazareth Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - A. An electronically changing message sign shall not be placed within two hundred (200) feet of a residential dwelling unit or residentially zoned land, as measured in any direction.
  - B. An electronically changing message sign shall be landscaped with plants and shrubs requiring minimal maintenance. The permit application for an electronically changing message sign shall require a landscape plan in accordance with this Chapter which includes the botanical and common names of the plants to be used, the sizes to be planted and the quantity and spacing of each.
3. A digital sign or electronically changing message sign shall be separated a minimum of one thousand five hundred (1,500) feet from any other digital sign or electronically changing message sign. The distance between sign structures shall be measured between points directly opposite the signs, along the nearest edge of the right-of-way on the same side of the roadway.
4. The luminance of the sign display shall be controlled so as to not create glare, hazards, or nuisances.
  - A. All messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of eight (8) seconds. Signs of twenty four (24) square feet or less which indicate only the time, temperature, date or similar information shall be excluded.
  - B. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one second.
  - C. There shall be no appearance of a visual dissolve or fading in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
  - D. There shall be no appearance of flashing, twinkling, blinking, or sudden bursts of light, and no appearance of video motion, animation, scrolling, twirling, or flow of the message, image or display.



- E. The intensity and contrast of light levels shall remain constant throughout the sign face.
- F. The luminance or brightness of the display shall not exceed five thousand (5,000) nits during daylight hours and one hundred fifty (150) nits during hours of darkness. Each digital sign or electronically changing message sign shall be equipped with automatic dimming technology to adjust the sign's brightness based on ambient light conditions.
  - (1) The luminance specification shall be determined by a metering device held at a height of five feet and aimed towards the sign, from a distance of one hundred seventy five (175) feet.
  - (2) The metering device should be at a location perpendicular to the center of the digital sign (as seen in plain view) as this angle has the highest luminance.
  - (3) The measurement of luminance shall include the measurement of an all-white image displayed by the sign to evaluate the worst-case condition.
  - (4) If the difference between the sign turned on and the sign turned off is one-half (0.5) footcandle or less, then the sign luminance shall be determined to be in compliance.
- G. Digital signs and electronically changing message signs shall be inspected annually to verify dwell time and brightness level. An annual inspection fee as determined by the Township fee schedule, which may be amended from time to time, shall be charged for every digital sign and electronically changing message sign.
- H. Digital signs and electronically changing message signs placed within one thousand (1,000) feet of a residential property line, as measured in any direction from the visible face of the sign, shall be turned off between the hours of 10 p.m. and 7 a.m.
- I. This section shall not include digital or electronic wall or window signs.
- J. Digital signs and electronically changing message signs erected by Lower Nazareth Township and Pennsylvania Department of Transportation are exempt from these regulations.
- K. No lot shall contain more than one (1) of either a freestanding sign, digital sign or electronically changing message sign.

**§ 1117 Manually Changeable Copy Signs.**

- 1. Manually Changeable Copy Signs, pursuant to the sign permissions listed in this Chapter, shall only be permitted when integrated as part of the following types of signs:
  - A. Ground Sign.
  - B. Pylon Sign.
  - C. Marquee Sign.
  - D. Wall Sign.
  - E. Portable Sign.

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**ARTICLE XII**  
**DEFINITIONS**

**§ 1201 General Interpretation.**

1. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
  - A. Words in the present tense shall include the future tense.
  - B. The word "person" or "applicant" includes a profit or non-profit corporation, company, partnership, trust, individual, or other legal entity.
  - C. The word "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
  - D. The word "should" means that it is strongly encouraged but is not mandatory.
  - E. The word "lot" includes plot or parcel.
  - F. The word "shall" is always mandatory.
  - G. The words "street", "highway" and "road" have the same meaning and are used interchangeably.
  - H. The word "sale" shall also include rental.
  - I. The singular shall include the plural and vice-versa.
  - J. The masculine gender shall include all genders.
  - K. If a word is not defined in this Ordinance but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.
  - L. Any word or term not defined in this Ordinance or the Township Subdivision and Land Development Ordinance, as amended, shall be used with the meaning of standard usage within the context of the Section.
  - M. The words "such as", "includes", "including" and "specifically" shall provide examples but shall not by themselves limit a provision only to items specifically mentioned, if other items would otherwise comply with the provision.
  - N. If a word is defined in both this Ordinance and another Township ordinance, each definition shall apply to the provisions of each applicable Ordinance.

**§ 1202 Terms Defined.**

ABUT – Areas of contiguous lots that share a common lot line, excluding lots entirely separated by a street or a non-intermittent waterway.

**ACCESS DRIVE OR ACCESSWAY** – A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

**ACCESS POINT** – One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

**ACCESS STREET, MARGINAL** – A type of local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.

**ACCESSORY BUILDING** – A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building. Accessory Buildings over 500 sq. ft. shall comply with the Township Building Code Ordinance and or other township ordinances regulating building or structures as amended.

**ACCESSORY STRUCTURE** – A structure, such as a private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**ACCESSORY USE** – A use subordinate to the principal use or building and located on the same lot with such principal use or building.

**ACCESSORY USE CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE** – Unless otherwise specifically assigned, a use on the same lot with and customarily incidental to any permitted principal use within a particular zoning district.

**ACRE** – 43,560 square feet.

**ACT 247** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, or its successor legislation.

**ADJACENT** – Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

**AEU (ANIMAL EQUIVALENT UNIT)** – One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in 3 Pa. C.S. § 503.

**AFRICANIZED HONEY BEE** -- Hybrids of the African Honey bee (*Apis mellifera scutellata*) with various European Honey bees that are aggressive compared to the European subspecies.

**AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Also commonly referenced as Rural Agriculture

**AGRICULTURE** – Shall include "crop farming," "animal husbandry," "Concentrated Animal Operation," and "Concentrated Animal Feeding Operation." See definition of each. Also commonly referenced as Rural Agriculture

**AGRICULTURE EQUIPMENT SALES** – The retail sale of agricultural and/or landscaping machinery and equipment, including but not limited to lawnmowers and tractors. Such a use may include equipment repair services.

**AGRIGULTURE, SMALL-SCALE DOMESTIC** – The accessory use of a lot for the cultivation of food and/or horticultural crops not for sale on-site, which may include Composting, Aquaponics, Aquaculture and/or Hydroponics.

**AGRICULTURE SUPPORTIVE INDUSTRY/SERVICE** – Any agricultural-oriented commercial uses accessory to a nonresidential use, including but not limited to tree farms, bed and breakfasts, pumpkin patches, corn mazes, petting and feeding zoos, hayrides, orchards, and gardens. This use does not include any use specifically assigned within the same zoning district.

**ALLEY** – A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ANIMAL DAYCARE** – A facility that cares for pet animals in the absence of the pet owner or a facility that cares for pet animals in training.

**ANIMAL HOSPITAL, SMALL** – A building routinely used for the treatment, housing or boarding of animals. A "Small Animal Hospital" involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.

**ANIMAL HUSBANDRY** – The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Article V and beyond what is allowed within the definition of "crop farming." For the purposes of this Ordinance, the "keeping of livestock" shall have the same meaning as "animal husbandry". Animal husbandry shall not include a slaughterhouse, nor a stockyard used for the housing of animals awaiting slaughter.

**APIARY, HONEY BEE** – Any place where one or more colonies of bees are kept at a single location.

**APPLICANT** – The person, corporation, or legal entity responsible for a particular application for an approval or Permit under this Ordinance.

**APPLICATION** – A written form supplied by the Township for a Township approval, decision or permit, including any accompanying site plan and additional information and materials that the Township requires the applicant to submit.

**AUTO, BOAT, OR MOBILE/MANUFACTURED HOME SALES** – A building or area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following: motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers, construction vehicles or boats in an operable condition, or transportable mobile/manufactured homes in a livable condition. This use may include an Auto Service/Repair Garage and Auto/Truck/Body Collision/Repair Center as an incidental accessory use provided that all requirements of such uses are complied with. This use shall not include a Mobilehome Park or a Junkyard.

**AUTO SERVICE/REPAIR STATION** – A building and/or land where work is conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories, and safety and emission inspections.

**AUTO TOWING/YARD** – An establishment that provides for the removal and/or temporary storage of motor vehicles but does not include sale, permanent disassembly, or salvage of motor vehicles.

**AUTO/TRUCK/BODY COLLISION/REPAIR CENTER** – A building and/or land where repairs and installation of parts and accessories for motor vehicles, trucks and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "Auto Service/Repair Station." An Auto/Truck/Body Collision/Repair Center shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. This use may also include any use described in the definition of "Auto Service/Repair Station."

**BAKERY** – An establishment no greater than 3,000 square feet that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.

**BANK** – A freestanding building used for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**BASEMENT** – An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if more than fifty (50) percent of the perimeter walls at the basement ceiling height are five (5) feet or higher above the adjacent finished grade.

**BED AND BREAKFAST** – An owner-occupied operation within a single-family detached dwelling in which a minimum of two (2) and a maximum of ten (10) rooms, all without cooking facilities, are rented to guests on a daily basis in which breakfast may be served to the guests by the proprietor of the facility.

BEE – Any stage of the honey bee (*Apis mellifera*).

BEE, HONEY – All life stages, of the common domestic honeybee, *Apis mellifera* species (“European” honey bee).

BEEKEEPER -- A person who owns or has charge of one or more colonies of honey bees.

BERM (or EARTH BERM) – A mound or ridge of landscaped earth designed to act as a screen, buffer, or any similar purpose.

BEVERAGE DISTRIBUTION – As defined and regulated by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

BLAST OR BLASTING – The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives.

BOARD – The Zoning Hearing Board of Lower Nazareth Township.

BOARD OF SUPERVISORS – The Board of Supervisors of Lower Nazareth Township.

BOARDING HOUSE – A residential use in which: (1) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (2) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five or more consecutive days.

BREWERY – A facility which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

BREW PUB – An establishment which holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages for on-site and/or off-site consumption and which also offers food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

BUFFER YARD – A strip of land separating a land use from another land use or feature, and which is not occupied by any principal or accessory building, parking, outdoor storage or any use other than open space or concrete sidewalks. A buffer yard may be a part of the minimum setback distance but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. If a buffer yard requirement exceeds a yard requirement, the greater buffer yard requirement shall apply to the siting of a building.

**BUILDING** – Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than sixteen (16) cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**BUILDING COVERAGE** – The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

**BUILDING FACE** – The vertical area of a particular side of a building, but not including the area of any slanted roof.

**BUILDING, PRINCIPAL** – A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**BULK STORAGE OF FUEL** – Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to wholesale establishments or individual users.

**CAMPGROUND** – A development under single ownership of the land where tents and/or recreational vehicle sites are temporarily situated for transient visitors to the area, and which may include associated recreational facilities.

**CARPORT** – A building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

**CARTWAY** – The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**CAR WASH** – A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.

**CEMETERY** – Land or buildings used for the burial of deceased humans and/or noncremated animals other than the customary burial of farm animals as accessory to a livestock use.

**CENTERLINE OF STREET** – A line equidistant from and parallel to the existing rights-of-way lines on each side of the street.

**CHAIRPERSON** – Includes chairman, chairwoman, chair and acting chairperson (when applicable).



**CHRISTMAS TREE FARM OR TREE FARM** – A type of crop fanning involving the raising and harvesting of evergreen trees for commercial purposes. This may include the seasonal sale of trees produced on the premises.

**CLUSTER DEVELOPMENT** – A residential development meeting all of the requirements of this Chapter, including the provision of open space in return for reduced lot areas.

**CO-LOCATION** -- The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals (or other transmissions developed in the future) for communications purposes.

**COLONY** – An aggregate of honey bees consisting of workers, drones and a queen.

**COLONY, NUCLEUS** -- A hive that does not exceed the volume of 50 Liters (i.e., a single 10 frame standard 9 5/8” deep body or less).

**COMMERCIAL COMMUNICATIONS ANTENNA** – A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna.

**COMMERCIAL COMMUNICATIONS TOWER** – A structure that is intended to support equipment used for the purposes of transmitting or receiving cellular, radio, telephone, television, and other similar types of communications. Tower structures may include monopoles and lattice type construction steel structures. This land use includes telecommunications equipment which is attached to existing structures greater than 50 feet in height, including, but is not limited to, smokestacks, water towers, buildings, or other telecommunications, fire, and police towers.

**COMMERCIAL CROP STORAGE** – The temporary or seasonal storage of harvested materials.

**COMMERCIAL STABLE** – A building having stalls or compartments where horses are sheltered and fed for commercial operational purposes.

**COMMISSION** – The Planning Commission of the Lower Nazareth Township.

**COMMONWEALTH** – Shall mean the Commonwealth of Pennsylvania.

**COMPOSTING** – The controlled processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

**COMPREHENSIVE PLAN** – The document entitled the Nazareth Area Multi-Municipal Comprehensive Plan, or any part thereof, adopted by the Board of Supervisors, as amended.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – A CAO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR § 122.23, as amended.

**CONCENTRATED ANIMAL OPERATION (CAO)** – An agricultural operation with eight (8) or more animal equivalent units [AEUs] where the animal density exceeds two (2) AEUs per acre on an annualized basis.

**CONDITIONAL USE** – A use which is allowed or denied by the Board of Supervisors within the provisions of Article I, after receiving the recommendation of the Planning Commission.

**CONDOMINIUM.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act. To ensure adequate provision for maintenance of roads and shared facilities, development of condominiums or conversion of an existing development into condominiums shall always be treated as a land development and a subdivision.

**CONSERVATION** – Any parcel or area of undeveloped land remaining in its natural state for perpetuity through agreements, deeds, or other legal means.

**CONSERVATION EASEMENT** – A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land in a manner approved by the Township Solicitor and Board of Supervisors. To meet a requirement of a Township ordinance, such easement shall run for a minimum period of ninety-nine (99) years. Such an easement shall be recorded in the County Recorder of Deeds Office.

**CONTRACTOR OFFICE/YARD** – An enclosed structure used for conducting business affairs and internal storage, which may also include a “Storage Yard” as accessory to the principal building.

**CONSTRUCTION** – Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of a pre-existing building, provided that further construction be diligently carried out.

**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.

**CONVENIENCE STORE** – A one-story establishment that is designed and stocked to sell primarily food, beverages and general household supplies to customers.

**CONVENIENCE STORE WITH ENERGY RECHARGE** – A one-story retail store that is designed and stocked to sell primarily food, beverages and general household supplies to customers, and includes the sale and pumping of gasoline and/or accessory Electric Vehicle Charging Stations.

CONVERSION – To change from one use to another use, or to increase the number of dwelling units within a building, unless otherwise stated. This definition shall include an in-law apartment.

COUNTY – The County of Northampton, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION – The Lehigh Valley Planning Commission.

CRAFTSMAN/ARTISAN STUDIO – An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, carpentry, welding, sculpture, pottery, leathercraft, hand-woven articles, and related items by artisans and/or craftsmen.

CRIMINAL TREATMENT CENTER – A use, other than a prison, providing living accommodations and treatment facilities for persons needing such treatment because of offenses that are criminal in nature. This shall include, but not be limited to, drug rehabilitation centers, half-way houses for persons recently released from prison and treatment centers for drunk drivers, and juvenile delinquents.

CROP FARMING – The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as a Permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 504.

CULTURAL/COMMUNITY CENTER – A building and/or land open to the public which contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial.

CURATIVE AMENDMENT – A proposed zoning amendment made by the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

CHILD CARE CENTER – A child day care facility in which seven (7) or more children who are not related to the operator receive childcare for time periods of less than twenty-four (24) hours. A child day care center must have a certificate of compliance ("license") from the Pennsylvania Department of Human Services in order to legally operate.

CHILD CARE HOME, FAMILY – A childcare facility located in a home in which four, five, or six children who are not related to the caregiver receive childcare. A family child care home must have a certificate of compliance ("license") from DHS in order to legally operate.

CHILD CARE HOME, GROUP – A childcare facility in which seven through 12 children of various ages or in which seven through 15 children from 4th grade through 15 years of age who are not related to the operator receive childcare. A group childcare home must have a certificate of compliance ("license") from DHS in order to legally operate.

**DAY CARE, ACCESSORY** – The temporary caring of children no longer than 24 hours as an accessory use to Places of Worship/Assembly.

**DAY CARE CENTER, ADULT** – A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**D.E.P. (OR "DEP")** – Shall mean the Pennsylvania Department of Environmental Protection, and its relevant bureaus.

**DETACHED BUILDING** – A building that is surrounded on all sides by open yards and that is not attached to any other building.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.

**DISPENSARY FACILITY** – Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.

**DISTILLERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons of distilled liquor per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**DISTRIBUTED ANTENNAE SYSTEM OR DAS** -- A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.

**DISTRIBUTION CENTER, TYPE 1** – An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, repackaging, and labeling. This use may include the use of automated storage and retrieval systems.

**DISTRIBUTION CENTER, TYPE 2** – An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as order fulfillment, returned goods processing, packaging, repackaging, and labeling, but which does not include cross-docking or operations commonly referred to as "just-in-time" delivery.

**DISTRICT (OR ZONING DISTRICT)** – A land area within the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DRIVE-THROUGH FACILITY** – An accessory use in which any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a transportation vehicle on the premises.

**DRIVEWAY** – A privately owned, constructed, and maintained vehicular access from a street or access drive to only one (1) dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive".

**DRY CLEANING ESTABLISHMENT** – An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

**DRY CLEANING PLANT** – A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**DUMP** – Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by D.E.P. and that is not a permitted junkyard under this Ordinance.

**DWELLING** – A building on a permanent foundation or part thereof used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

#### DWELLING TYPES

This Chapter categorizes dwellings into the following types:

**ACCESSORY DWELLING UNIT** – A dwelling unit within the same lot as an owner-occupied single-family detached principal dwelling which is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory dwellings shall have direct means of entrance/exit, independent from the principal building.

**APARTMENT, ACCESSORY** – One (1) dwelling unit that is created within part of a principal dwelling, which shares a common entrance with the principal building.

**DUPLEX** – Two (2) dwelling units in one (1) principal building and on one (1) lot, where the dwelling units are either oriented as an “over-under” or a “side-by-side.”

**DWELLING, MULTIFAMILY (APARTMENTS)** – More than two (2) dwelling units on one (1) lot, whether within a single principal building or several buildings on the same lot.

DWELLING, SINGLE-FAMILY DETACHED – One (1) dwelling unit in one (1) principal building and which accommodates only one (1) family on one (1) lot.

DWELLING, TOWNHOUSE – One (1) dwelling unit in one (1) principal building on one (1) lot, where the following applies:

1. The dwelling unit is situated in the middle of a row of such dwelling units, and shares two (2) party walls; or
2. The dwelling unit shares one (1) party wall and is located at the end of a row of such dwellings.

FARMSTEAD – A principle building housing one (1) family, where up to three (3) farmsteads are permissible on a lot greater than 5 acres.

DWELLING UNIT – One (1) dwelling occupied by only one (1) family and a maximum of 2 persons who clearly function and are employed as domestic employees. See definition of "family". Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level.

EARTHMOVING AND OR GRADING – For the purposes of this Ordinance, "Earthmoving" as defined in applicable DEP regulations (Chapter 102 - Erosion and Sediment Control of 25 PA. Code of Regulations), and also shall include any one or more of the following activities:

1. Cutting down of trees or clearing of brush, other than clearing of grass and weeds,
2. Excavation of the ground, filling of the ground or "mineral extraction",
3. Grading, re-grading, any change in the ground surface elevation greater than one (1) foot, disturbance of topsoil or vegetative cover of the land,
4. For the purposes of this definition, the term Earthmoving shall apply to any soil, clay, overburden, sediment, dredge spoils or similar material,
5. Removal of tree stumps or brush with earthmoving equipment.

EASEMENT – Authorization by a property owner for the use by another for a specified utility, access or purpose of any designated part of the owner's property. See "Conservation Easement."

ELECTRICAL VEHICLE CHARGING STATION – A set of standard parking spaces with electric vehicle charging facilities situated in front of each parking space. Parking spaces dedicated to electric vehicle charging do not count toward any applicable minimum parking requirements.

EMERGENCY SERVICES – A building for the housing of fire, emergency medical or police equipment and vehicles, and for any related activities. This use may include housing for emergency personnel while on-call.

**EMPLOYEES** – The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ENCLOSURE** – Any type of structure used to surround a patio, pool or deck at any height.

**EQUIPMENT COMPOUND** -- An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory/related equipment is stored.

**ESSENTIAL SERVICES** – Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services.

**EXERCISE CLUB** – A facility that offers indoor or outdoor recreational facilities, including but not limited to the following: weight rooms, exercise equipment, non-household pool, sports courts and/or training for these activities.

**FAMILY** – An individual, or two (2) or more persons related by blood, marriage, adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than twelve (12) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

1. It provides non-routine support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap or disability, as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.
2. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.
3. It does not involve the housing of persons on a transient basis.
4. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

5. Family shall not include persons living together in a group-care facility, personal-care boarding home, or nursing home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

FARM CAFÉ – An establishment accessory to a nonresidential use that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A Farm Cafe may include the sale of alcoholic beverages. However, such sale may not be the primary or substantial portion of the total trade.

FARM MARKET – A retail sales use operated by a governmental agency, a nonprofit organization, or one or more Producers that primarily sells Farm Products and Value-added Farm Products directly to consumers.

FARM PRODUCT – Items sold at a Farm Market from a Producer. Farm Products shall include but are not limited to agricultural products such as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and seafood.

FARM PRODUCT, VALUE-ADDED – A product processed by a Producer from a Farm Product, including but not limited to baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee and other beverages, smoked or canned meats or fish, sausages, or prepared foods.

FARM STORE/SHOP – A retail establishment accessory to nonresidential use that primarily sells locally grown and/or produced food products and does not meet the definition of a Farm Market.

FCC – Federal Communications Commission.

FENCE – A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal or aluminum and/or plastic inserts. Man-made barriers constructed principally of brick, concrete, cinder block or similar materials shall be considered "walls." The term "wall" does not include engineering retaining walls, which are Permitted uses as needed in all Districts. The terms "fence" and "wall" do not include barriers of trees or shrubs. Fences shall not contain materials such as barbed wire or have potentially dangerous features such as spikes.

FINANCIAL INSTITUTION – An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds, but does not meet the definition of a Bank.

FLEA MARKET – A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.



FLOODPLAIN (100-YEAR) – See definitions in the Township Floodplain Ordinance.

FLYWAY BARRIER -- A wall, fence, vegetation, hedge or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

FOOTPRINT – The perimeter of a building or structure.

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

FULFILLMENT CENTER – A type of distribution center that pick and pack items from shelves for individual delivery to “fulfill” online orders. They are typically smaller than distribution centers and focus on quickly delivering goods to individual customers and offer an array of services to help with this goal. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans. They are situated closer to consumer markets so individual items can be delivered quickly to people’s doorsteps.

FUNERAL HOME – A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (4) columbarium and (5) the storage of funeral vehicles.

GARAGE, HOUSEHOLD – A building which is used to store and which offers closed protection for three or less vehicles. Any building which stores more than three or more vehicles shall be considered an accessory structure. A private garage shall not exceed 1000 sq. ft. in area. Auto repairs conducted in a private garage shall be limited to personal vehicles owned by the occupants of the dwelling only to be defined as a household garage.

GARAGE SALE (or YARD SALE)– The accessory use of any lot for the occasional sale only of common household goods and furniture and items of a closely similar character. Any garage sale that does not meet this definition and cannot comply with Section 504 - Garage Sales - shall be regulated as a Home Occupation.

GARDEN CENTER – The retail sale of plants, flowers, gardening tools, soil, mulch, and similar items related to gardening and/or residential landscaping, which does not include wholesale.

GARDEN CENTER, ACCESSORY – The accessory retail sale of plants, flowers, gardening tools, soil, mulch, and similar items related to gardening and/or residential landscaping, which does not include wholesale.

GLARE – A sensation of brightness within the visual field which causes annoyance, discomfort or lass in visual performance, visibility and/or ability to focus.

GRADE – The mean curb level, unless otherwise noted. When a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

**GROCERY STORE** – Establishments where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also may offer other home care, personal care, and prescription pharmaceutical products.

**GROUP CARE FACILITY** – Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following: 1) Persons who do not meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act. 2) Persons who do meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household. 3) Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or a similar agency or institution.

**GROUP HOME** – The use of any lawful dwelling unit which meets all of the following criteria:

1. A maximum number of 8 persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"\* as defined by applicable Federal law.
4. Does not meet the definition of a "Treatment Center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

\*NOTE: As of 1992, the Federal Fair Housing Act defined "Handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21."

**HABITABLE CONDITION** – Where a dwelling unit is fit for human occupancy and is free of serious defects that might pose a risk to one's health and safety. Any dwelling unit that fails to provide heat, hot water, and/or plumbing shall not be considered habitable.

**HAZARDOUS WASTE** – Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes

subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act.

**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 occupants and/or for periodic training, as well as recreation trails and non-commercial recreation facilities, and utilities and stormwater management facilities.

**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.

**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.

**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.

**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.

**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.

**HEIGHT.** The vertical distance measured from the average elevation of the average proposed surrounding ground level to the highest point of a structure. See exemptions for certain types of structures in Section 603.

**HELIPORT** – An area used for the take-off and landing of helicopters, and related support facilities.

**HIVE** -- A receptacle or container, that includes modern moveable frames or combs, in which an active colony inhabits and exceeds a volume of 50 liters (i.e. a single standard Langstroth 9 5/8” deep body with 10 frames plus one additional hive body).

**HOME IMPROVEMENT/BUILDING SUPPLY, LARGE-SCALE** – A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery, and where Outdoor Storage and/or Display of Merchandise is incidental to the principal use.

**HOME IMPROVEMENT/BUILDING SUPPLY, MEDIUM-SCALE** – A facility between 6,000 and 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HOME IMPROVEMENT/BUILDING SUPPLY, SMALL-SCALE** – A facility less with less than 6,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HOME-BASED BUSINESS, LOW-IMPACT** – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which 1) may include no more than one (1) employee not residing on the premises and 2) involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**HOME-BASED BUSINESS, NO IMPACT** – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**HOME OCCUPATION** – A use conducted entirely within or administered from a dwelling or its accessory building, and that is clearly incidental and secondary to the principal residential use. A dwelling that only receives business mail at the address and does not involve the conduct of any other nonresidential use shall not be considered a home occupation or a home office and shall not by itself require a permit under this Ordinance for such activity. See § 504.

**HOSPITAL** – A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

**HOTEL** – A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed-and-breakfast" use. A hotel may also include within the principal building any non-residential use permitted by the applicable zoning district.

**HUMAN OCCUPANCY** – The residing of an individual overnight in a dwelling unit or living quarters.

**IMPERVIOUS COVERAGE** – The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

1. Areas being dedicated as common open space may be included in the acreages for determining impervious coverage of an adjoining lot.
2. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

**IMPERVIOUS SURFACE** – Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of .7 or greater. Any dispute over whether an area is "impervious" shall be decided by the Township Engineer. Areas of land paved for the sole purpose of non-commercial tennis courts, bicycle trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces, unless they would also be used for non-recreation uses (such as parking).

**INVASIVE PLANTS** – Plant species that are not native to the State, grow aggressively, and spread and displace native vegetation. For the purposes of this Ordinance, invasive plant species are identified on the PA DCNR Invasive Plant List as Rank 1 (severe threat) or Rank 2 (significant threat) as well as plant species listed on the PA Department of Agriculture's list of Noxious Weed List.

**JUNK** – Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, tires, aircraft, glass, industrial waste, machinery, equipment, containers, structures and other used building materials. Junk shall not include organic solid waste, grass clippings, leaves, tree limbs or household items intended to be recycled. Outdoor storage and outdoor processing of junk shall only be permitted within an

approved junkyard or solid waste disposal area. Junk shall not include solid waste customarily stored in a completely enclosed and sanitary container that is routinely awaiting collection.

**JUNK VEHICLE** – A motor vehicle that meets any of the following conditions:

1. Does not display a license plate, except for new or used vehicles located on commercial sales or trailer lots,
2. Does not have a valid State safety inspection sticker where that would be required for it to travel on a public street except for new or used vehicles on commercial vehicle sales or trailer lots,
3. Cannot be immediately moved under its own power, in regard to a vehicle designed to move under its own power, other than a vehicle clearly needing minor repairs,
4. Cannot be immediately towed, in regard to a vehicle designed to be towed,
5. Has been demolished beyond repair,
6. Has been separated from its axles, engine, body or chassis,
7. Includes only the axle, engine or body parts and or chassis, separated from the remainder of the vehicle.

**JUNKYARD**

1. Land or structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of one, two or all of the following conditions:
  - A. Junk that is not required by the State to be disposed of in a State-approved solid waste disposal facility.
  - B. Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an Auto/Truck/Body Collision Center or Auto Service/Repair Station.
  - C. One or more mobile homes that are not in a habitable condition.
2. Junk stored within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use.

**KEEPING OF PETS** – Domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family. This shall include dogs, cats, small birds, racing pigeons, gerbils, rabbits and other non-poisonous animals commonly sold in retail pet shops. See Section 504.

**KENNEL** – The keeping of domesticated animals in any residential use or district or on any non-residential lot or breeding of any number of animals for compensation or commercial uses. A nonprofit animal shelter is a type of kennel.

**LAND DEVELOPMENT** – The definition in the PA. Municipalities Planning Code, as amended, shall apply, as may be lawfully adjusted by the Township Subdivision and Land Development Ordinance, as amended.

**LANDOWNER** – The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a lessee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

**LAUNDROMAT** – A self-service facility containing washing machines and dryers and are open for use to the general public.

**LIBRARY** – A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility and are not normally offered for sale.

**LIMITED WINERY** – An establishment licensed by the Pennsylvania Liquor Control Board to operate a winery that shall not exceed production of two hundred thousand (200,000) gallons per year, or as otherwise defined by Chapter 47, the Pennsylvania Liquor Code, as amended.

**LIVESTOCK** – See Pennsylvania Code Chapters 7 and 25, as amended.

**LIVESTOCK OR POULTRY, RAISING OF** – The raising and keeping of livestock, poultry, or insect beyond the number and type allowed under the “Keeping of Pets” section of this Ordinance but at an intensity less than eight (8) animal equivalent units (AEUs) and where the animal density does not exceed two (2) AEUs per acre on an annualized basis.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as Permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** – The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot Area shall not include the following:

1. Areas within future or existing street rights-of-way,
2. Areas that are currently or will be dedicated as common open space, or
3. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

**LOT, CORNER** – A lot which has an interior angle of less than 135 degrees at the intersection of 2 street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

LOT, FLAG – A lot that does not meet the required lot width measured in accordance with this Ordinance. See definition for “Lot Width” and “Lot Frontage.”

LOT, INTERIOR – A lot other than a corner lot.

LOT, REVERSE FRONTAGE – Lot abuts two approximately parallel streets, but only has access onto one street, usually the less heavily traveled street.

LOT, THROUGH – A lot that abuts two (2) approximately parallel streets.

LOT DEPTH – The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

LOT FRONTAGE (Frontage) – A lot’s front lot line immediately adjacent to the street right-of-way.

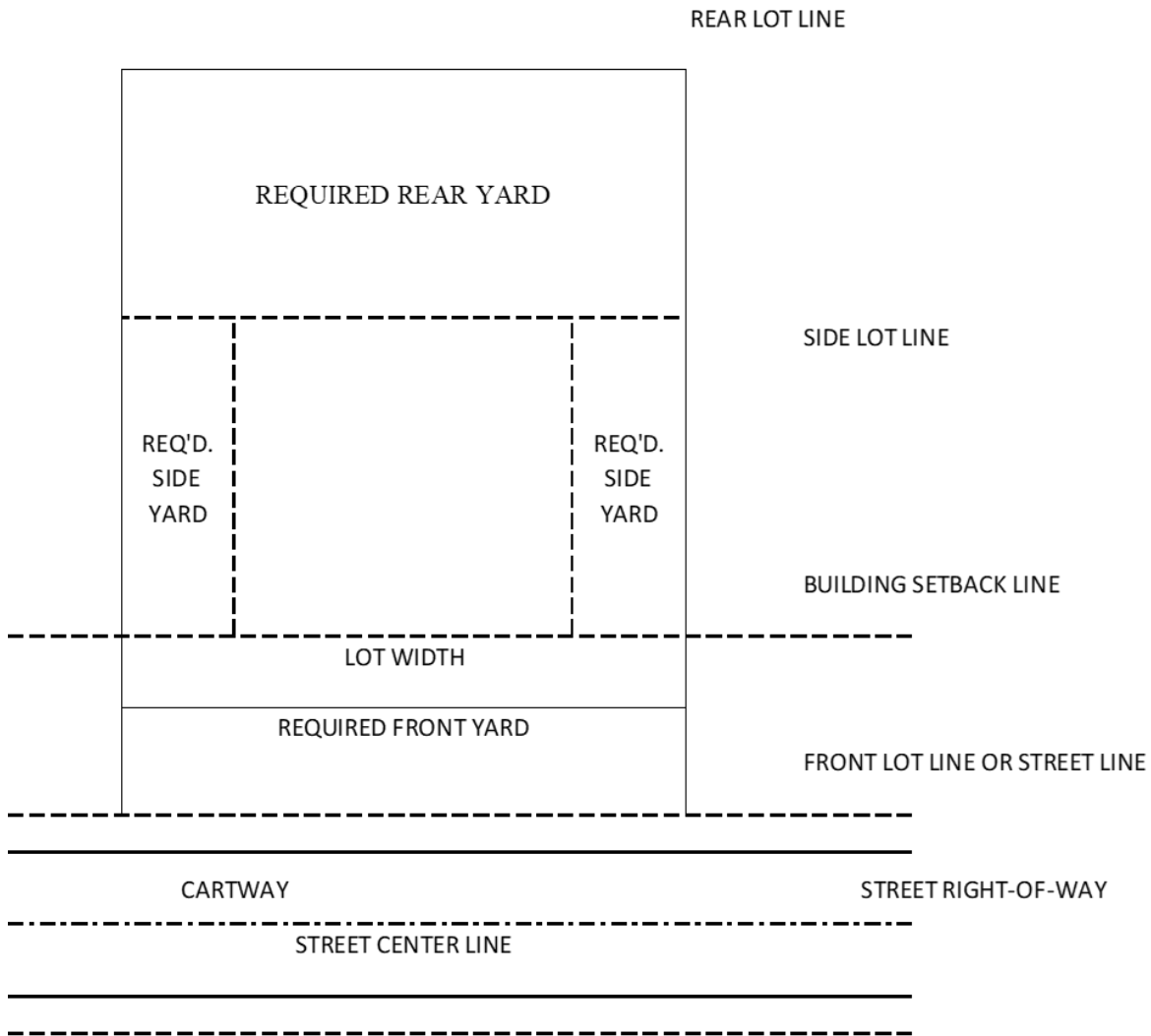
LOT LINES – The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the future street right-of-way.

FRONT LOT LINE (Street Line) – A lot line immediately adjacent to the street right-of-way or any future street right-of-way.

REAR LOT LINE – A lot line opposite and most distant from the front lot line. (The rear lot line of any 3-sided lot shall be established such that it will be at least ten (10) feet long.)

SIDE LOT LINE – Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.





**LOT WIDTH.** The total distance measured along a lot's frontage.

**LUMBER MILL** – Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

**LVPC** – The Lehigh Valley Planning Commission.

**MANUFACTURE** – The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, recycling, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or Truck Depot/Terminal.

**MANUFACTURING, HEAVY** – An establishment engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins, liquors, other basic industrial processes, and any facility involving process resulting in the storage of hazardous materials or the generation of hazardous waste products, or the environmentally regulated process.

**MANUFACTURING, LIGHT** – Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

**MASONRY MAILBOX STRUCTURE** – Any brick, stone or block fabrication having the singular purpose of supporting a rural mailbox that conforms to U.S. Postal Service Standards.

**MEDICAL CLINIC** – A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

**MEDICAL MARIJUANA DISPENSARY FACILITY** – Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.

**MINERALS** – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINERAL EXTRACTION** – The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**MINERALS** – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MIXED-USE BUILDING** – A structure which contains two or more distinctly separate uses permitted within the zoning district, such as a commercial use and a residential use.

**MUNICIPAL USE, NON-UTILITY** – Any buildings or facilities owned and/or operated by the municipality, which do not meet the definitions of "Public Utility Facility" or "Essential Services."

MUNICIPALITIES PLANNING CODE – or (MPC) The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

NONCOMMERCIAL CROP STORAGE – The temporary or seasonal storage of harvested materials not for the purpose of commercial sale.

NONCONFORMING LOT – A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board,

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this ordinance, as amended, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include but are not limited to, signs.

NONCONFORMING USE – A use, whether of land or of a structure, which does not comply with the applicable use provisions in this ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment.

NURSING HOME – A business or an institution, licensed by the Commonwealth of Pennsylvania, for the care of human patients requiring skilled or intermediate nursing care as defined in Chapter 201, Section 201.3, of the Pennsylvania Code, Applicability, Definitions, Ownership, and General Operation of Long-Term Care Nursing Facilities, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICE, MEDICAL OR DENTAL – A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing practices for the examination and treatment of persons solely on an outpatient basis. Medical and dental offices do not include veterinary services or animal hospitals.

OFFICE, PROFESSIONAL – A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, photographic studios and/or television or radio broadcasting studios.

OFFICIAL CIRCULATION PLAN – The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification".

OFFICIAL ZONING MAP – The map as adopted by the Board of Supervisors which designates the location and boundaries of zoning districts.

OPEN SPACE, COMMON – A parcel or parcels of land within a tract which meets the standards within Section 616.

ORDINANCE – The Lower Nazareth Township Zoning Ordinance including the Official Zoning Map and Official Circulation Plan, as amended.

**OUTDOOR DISPLAY OF MERCHANDISE** – The display and/or storage of goods for sale on-site by the non-residential principal use.

**OUTDOOR STORAGE** – The accessory outdoor storage of items incidental to the principal nonresidential use.

**OUTDOOR STORAGE, DOMESTIC** – The outdoor storage of domestic items incidental to the function of the principal residential use, including but not limited to building materials used for home improvement, lawn-care machinery, firewood, and/or compost piles.

**PA** – Pennsylvania.

**PARKING** – Shall mean off-street parking unless otherwise stated.

**PARKING PICK-UP or CURBSIDE PICK-UP** – An accessory use in which a designated parking space on the same lot as the main use is used to provide service where the customer is delivered the product to their transportation vehicle.

**PACKAGE DELIVERY SERVICES** – An accessory facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**PAVED AREA** – All areas covered by gravel and/or impervious surfaces, other than buildings and concrete public sidewalks.

**PENN DOT** – The Pennsylvania Department of Transportation, or its successor, and its subparts.

**PERMIT** – A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

**PERMITTED BY RIGHT USE** – Uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A "nonconforming use" shall not be considered to be a "Permitted Use".

**PERSON** – Any individual, partnership, firm, business or similar entity, public or private agency, municipality, city, State or Federal agency.

**PERSONAL CARE BOARDING HOME** – A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. This use shall not meet the definition of Treatment Center.

**PERSONAL SERVICES** – An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to

businesses. Personal services include, but are not limited to barber and beauty shops, shoe repair shops, tattoo parlors, household appliance repair shops, and other similar establishments.

**PHARMACY** – An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

**PLACE OF ASSEMBLY** – A land use where people congregate for religious or cultural activities, entertainment, or meetings.

**PLACE OF WORSHIP** – A land use for religious activities taking place in buildings, synagogues, churches, religious retreats, monasteries, seminaries, and shrines used primarily for religious and/or spiritual worship and that are operated for non-profit and noncommercial purposes.

**PLANNING COMMISSION** – The Planning Commission for the Township of Lower Nazareth.

**PLANT NURSERY** – An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

**PRINCIPAL BUILDING (or PRINCIPAL STRUCTURE)** – The building/structure in which the principal use of a lot is conducted. Any building/structure that is physically attached to a principal building/structure shall be considered part of that principal building/structure. All principal buildings/structures shall also comply with the Township Building Code ordinance as amended.

**PRINCIPAL USE** – The dominant use(s) or single main use on a lot, as opposed to an accessory use.

**PROPERTY LINE** – Has the same meaning as "lot line."

**PUBLIC NOTICE** – Notice required by the Municipalities Planning Code as amended.

**PUBLIC RECREATION** – Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

**PUBLIC UTILITY FACILITY** – A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Public Utility Facilities include Electric substations, water towers/tanks/reservoirs, water pumping stations and/or treatment, sewage disposal pumping plants and/or treatment and power generation facilities, as well as facilities that support the emergency and/or supplemental distribution of public utilities.

**PUMPKIN PATCH** – A retail sales operation, generally conducted wholly outdoors, offering the sale of pumpkins and related holiday items.

**RECREATION, LARGE LAND AREA COMMERCIAL** – Recreation facilities accessory to an Agricultural Operation in which the recreation activity is primarily outdoors and conducted on

land typically requiring large land area, including but not limited to corn mazes, petting and feeding zoos, hayrides, or similar uses.

**RECYCLING COLLECTION CENTER** – A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a municipal-owned use or an emergency services station.

**RELATED OR RELATIVE** – Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

**RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE** – A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale (or Yard Sale), Basketball Backboard, Treehouse, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment, or a permitted Accessory Dwelling Unit. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

**RESIDENTIAL LOT LINES** – The lot line of a lot containing an existing dwelling, or the lot line of undeveloped land zoned as a Residential District.

**RESTAURANT, CAFÉ** – An establishment primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

**RESTAURANT, FAST-FOOD** – An establishment where most customers order and are served their food at a counter or in a motor vehicle, where permitted as an accessory drive-through facility in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**RESTAURANT, QUICK SERVE** – An establishment which is maintained, operated, or advertised or held out to the public as a place where food, beverage, or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

**RESTAURANT, SIT-DOWN** – An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A sit-down restaurant may include the sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met as defined herein.

**RETAIL, LARGE-SCALE** – A use within a building greater than 6,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein. Square footage associated with food-related merchandise exceeding 10,000 square feet shall be considered a grocery store.

**RETAIL, MEDIUM-SCALE** – A use within a building between than 3,000 and 6,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein.

**RETAIL, SMALL-SCALE** – A use within a building no greater than 3,000 square feet of gross floor area in which non-food related merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, Auto Service/Repair Station, Auto/Truck/Body Collision/Repair Center, convenience store or any restaurant defined herein.

**RETAIL SALES OF AGRICULTURAL PRODUCTS** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**RIGHT-OF-WAY** – The surface of and space above and below any real property in Lower Nazareth Township which the Federal government, Commonwealth, municipality or any municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, or any other public places, area of property under the control of the Federal, Commonwealth, municipality, or municipal authority, and non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/ or under the right(s)-of-way. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

**RIGHT-OF-WAY, EXISTING OR LEGAL** – The line separating a lot from the established official street right-of-way that will be owned by the Township or the Commonwealth after the completion of any proposed subdivision, land development or development of a use under this ordinance.

**RIGHT-OF-WAY, FUTURE** – Land that is required to be dedicated or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. See Section 607. If a future right-of-way is not required to be dedicated, then future right-of-way shall have the same meaning as existing right-of-way.

**RIPARIAN AREAS** – Land immediately adjoining and up-gradient from any type of river or stream that is vegetated with a combination of trees, shrubs and other herbaceous plants.

**SCHOOL, POST-SECONDARY** – An accredited or licensed educational institution recognized by the Pennsylvania Department of Education, having regular sessions with employed instructors, and providing general education above the level of the secondary school.

**SCHOOL, PRE-KINDERGARTEN** – An establishment that offers private educational services to children who are under the minimum age for education in public schools, which may also include a “Child Care Center.”

**SCHOOL, PRIMARY AND SECONDARY** – A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.

**SCHOOL, SECONDARY TRADE** – An institution licensed and/or accredited by the Pennsylvania Department of Education including professional schools, dance schools, and trade schools that offer alternative programs in conjunction with a traditional secondary education curriculum offered by a nearby secondary school as defined in this Chapter.

**SCREENING** – A year-round vegetative material of substantial height and density designed to buffer some use from adjacent properties or uses. See requirements in Section 605.

**SEPTAGE/SEWAGE** – Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with D.E.P. regulations.

#### **SETBACK LINE**

1. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
2. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 604.
3. Unless otherwise stated, setback distances are for both accessory and principal structures.
4. Private Streets. For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private



street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

**SLOPE** – The vertical change of an area of land divided by the horizontal change, measured in percent.

**SHOPPING CENTER** – A use combining 3 or more retail, personal services, offices and restaurants.

**SIGHT DISTANCE** – An area required to be kept free of visual obstruction.

**SIGHT DISTANCE TRIANGLE** – A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

**SIGN** – Any device, object, or mode of visual communication that is used for the purpose of bringing a business to the attention of the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs herein. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. A sign does not include a Temporary Structure as defined herein.

**SIGN AREA** – See Section 1113.

#### **SIGN TYPES**

**BANNER** – A sign made of any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners and that is temporary in nature.

**BILLBOARD** – A type of off-premises sign.

**DIGITAL DISPLAY** – The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**FLAG** – Signs printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, text or symbols, and attached to a pole or staff anchored along only one edge or supported or anchored at only two corners.

**FLAG, COMMERCIAL** – Any flag other than a personal expression sign which directs attention to a specific business, product, service, event or activity, or other commercial activity.

**MURAL** – A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

SIGN, A-FRAME – A sign that typically consists of two faces connected and hinged at the top and have a message targeted to pedestrians.

SIGN, ADDRESS – A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

SIGN, AWNING – Signs that are painted on, or affixed to, an awning structure. See definition for “Structure, Awning.”

SIGN, CANOPY – Signs that are part of, or attached to, a canopy structure. See definition for “Structure, Canopy.”

SIGN, DIRECTIONAL – Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

SIGN, GROUND – A freestanding sign permanently affixed to the ground and supported entirely by a base structure.

SIGN, ILLUMINATED – A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

SIGN, INCIDENTAL – A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

SIGN, LANDMARK – A sign and sign structure attached to a building. This type of sign is designed to add interest and ingenuity and must be three-dimensional in construction. It is permitted with or without wording and used for the purposes of identifying a unique feature or distinct element of business operations.

SIGN, LIMITED DURATION – A type of sign that can be displayed on private property for greater than sixty (60) days but are not intended to be displayed for an indefinite period. Limited duration signs require a sign permit, which is valid for up to one year, and can be renewed annually.

SIGN, MANUAL CHANGEABLE COPY – A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

SIGN, MARQUEE – Signs attached to a marquee structure. See definition for a “Structure, Marquee.”

SIGN, MESSAGE CENTER – A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

**SIGN, OFF-PREMISES** – An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a noncommercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.

**SIGN, PERSONAL EXPRESSION** – An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**SIGN, PYLON** – A freestanding sign permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground.

**SIGN, PRIVATE DRIVE** – A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

**SIGN, PROJECTING** – Signs mounted to a building with two sign faces that are generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

**SIGN, PUBLIC** – A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

**SIGN, ROOF** – Building-mounted signs erected upon, against, or over the roof of a building.

**SIGN, SECURITY** – An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign.

**SIGN, TEMPORARY** – A type of non-permanent sign that can be displayed on private property for not more than sixty (60) consecutive days, up to two (2) times per calendar year. Temporary signs do not require a permit.

**SIGN, VEHICULAR** – A sign affixed to a parked vehicle used primarily or solely for advertisement.

**SIGN, WALL** – Signs mounted to a building that are attached to or painted on an exterior wall so that the sign faces are generally parallel to the building wall. A sign installed on a false or mansard roof is also considered a wall sign.

**SIGN, WINDOW** – Signs applied, painted, or affixed to a window. Signs that are placed inside a window, within three feet of the glass, facing outside the building, and are easily seen from the outside are considered window signs as well. Customary displays of merchandise behind a store window are not considered window signs.

**SITE PLAN** – A drawing (to scale) showing uses and structures proposed for a parcel of land as required by the regulations within this Chapter.

**SITE PLAN REVIEW** – Review of a site plan by the Planning Commission and/or the Board of Supervisors. See Section 122.

**SOLAR, UTILITY SCALE** – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Commercial solar energy systems consist of one or more freestanding ground- or roof-mounted, solar collector devices, solar-related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

**SOLAR PHOTOVOLTAIC (PV) SYSTEM** – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to: solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

**SOLICITOR** – Unless otherwise stated, shall mean the appointed Solicitor to the Lower Nazareth Township Zoning Hearing Board.

#### **SOLID WASTE**

1. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
2. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste:
  - A. Portions of trees or shrubs, leaves, mulch and rocks,
  - B. Substances legally disposed of into the air or water through a Federal or State pollution discharge Permit,
  - C. Customary residual wastes from a Permitted mineral extraction use or
  - D. Materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

**SOLID WASTE DISPOSAL FACILITY** – Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

**SPECIAL EXCEPTION** – A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.

STATE – The Commonwealth of Pennsylvania and its agencies.

STEEP SLOPE AREA – Those areas having slopes of fifteen (15) percent or more.

STOCK YARD, SLAUGHTERHOUSE, OR MEAT PACKING PLANT – A facility for the slaughtering and processing of animals and the refining and/or processing of their byproducts, which may include an enclosure with pens, sheds, and other buildings or structures for the temporary keeping of livestock.

STORAGE YARD – The accessory outdoor storage of items incidental to the principal nonresidential use.

STORY (AND HALF-STORY) – A floor level of a building having an average vertical distance of not less than 6 feet between the surface of any floor and the ceiling next above it, shall be considered a full story. Any such portion of a building having a maximum vertical distance of less than 6 feet shall be considered a half-story, except as provided in the definition of “Basement”.

STREET – A public or private thoroughfare which affords principal means of access to abutting properties or that is an expressway, but not including an alley or a driveway.

STREET CLASSIFICATION – The functional classification of streets into the following types, as shown on the Official Circulation Plan as adopted and amended by the Township for existing streets and as determined by the Township Engineer for future streets:

EXPRESSWAY – A limited access street on which access is provided only at interchanges.

ARTERIAL – A street whose function is to provide for the movement of high volumes of through-traffic and direct access to abutting properties; subject to necessary control of entrances, exits and curb use.

COLLECTOR – A street which provides for the movement of moderate volumes of traffic between arterials and local roads and direct access to abutting property.

LOCAL – A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

MARGINAL ACCESS STREET – A type of local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.

CUL DE-SAC STREET – A type of local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

STRUCTURE – Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

1. The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks/patios that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post or pier mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.
2. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

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.

SUGAR SHACK – A facility used for the processing of tree sap harvested on the same lot as where it was harvested.

SUBDIVISION – See the definition in the Township Subdivision and Land Development Ordinance.

SUBDIVISION ORDINANCE – The Lower Nazareth Township Subdivision and Land Development Ordinance, as amended.

SUPERMARKET – A retail establishment within a building greater than 25,000 square feet of gross floor area, that offers a wide variety of merchandise categories, including, but not limited to: automotive, apparel, Accessory Garden Center, cards and gifts, crafts, groceries, prescription drugs and sundries, jewelry, hardware, household decor, pet supplies, appliances, sporting goods, and similar products.

SWIMMING POOL, ACCESSORY – A man-made area, above or below ground, with walls of man-made materials intended to enclose water at least 48 inches deep and that is intended to serve the residents of only one (1) dwelling unit.

TAVERN – A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See also the definition of "restaurant."

THEATER, INDOOR MOVIE – A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TOWNHOUSE – See “Dwelling Types.”

TOWNSHIP – The Township of Lower Nazareth, Northampton County, Pennsylvania.

## TRACT

1. The minimum amount of land required in some zoning districts to be approved or have been approved in a preliminary subdivision or land development plan prior to subdivision into allowed lots smaller than the minimum tract size.
2. Access. A tract shall only include areas of land that in the approved preliminary plan included a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract.
3. Ownership. At the time of the approval of the preliminary plan, the tract shall have one "landowner" as defined by Article II. If more than one person, entity or corporation is involved as the "landowner," such applicant shall provide evidence acceptable to the Zoning Officer that there is a legally binding commitment between such entities to coordinate the access and development of the tract as shown in the approved preliminary plan.
4. Contiguous. All land area within a tract shall be contiguous, although the land may be separated by alleys, streets or waterways.
5. Municipal Boundaries. Only areas within the Township shall be considered to be within a tract for purpose of meeting the minimum tract area.
6. Measurement. The land area with a tract shall be calculated by totaling the "lot area" (as defined in this Article) of each lot within the tract and also any land proposed to be dedicated as common open space.

TREE FARM – An accessory use on a lot used to raise or harvest trees for wood products such as lumber, posts, and poses, fuel wood, and Christmas trees.

TRUCK DEPOT/TERMINAL – A use involving either a single or a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded-primarily from and reloaded onto tractor-trailer trucks.

1. A use that primarily involves loading materials from tractor-trailers onto smaller trucks or smaller trucks onto tractor-trailers shall be considered a "distribution" use.
2. A Truck Depot/Terminal may include an Auto/Truck/Body Collision/Repair Center as an incidental accessory use.
3. Storage or parking of two (2) or more empty trailers on a single lot that are not associated with any type of specific warehouse or distribution structure on that lot shall also be defined as operating a trucking terminal.

USE – The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. As used in this Ordinance, use includes buildings or structures.

**URBAN AGRICULTURE** – The accessory use of a lot for the cultivation of food and/or horticultural crops not for sale on-site, which may include Composting, Aquaponics, Aquaculture and/or Hydroponics.

**VARIANCE** – The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Municipalities Planning Code.

**VEHICLE, MOTOR** – Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

**VEHICLE, UNREGISTERED** – Any motor vehicle or trailer that does not display a license plate and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

**WALL** – See “Fence.”

**WAREHOUSE** – An enclosed structure used for the storage of merchandise or commodities for an extended period of time, typically over thirty (30) days and which does not include cross-docking operations or retail sales. Office Space associated with each warehouse unit may be included.

**WAREHOUSE, HIGH-CUBE TRANSLOAD & SHORT-TERM STORAGE WAREHOUSE** – A transload facility that has the primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. A transload facility typically has little storage duration, high throughput, and its operations are high efficiency. A short-term HCW is a distribution facility often with custom features built into the structure for the movement of large volumes of freight with only short-term storage of products. Some limited assembly and repackaging may occur within the facility.

**WAREHOUSE, HIGH-CUBE COLD STORAGE** – A cold store warehouse with substantial temperature-controlled environments for frozen food and other perishable products.

**WAREHOUSE, HIGH-CUBE PARCEL HUB** – Typically serves as a regional and local freight-forwarder facility for time sensitive shipments via airfreight and ground carriers. A site can also include truck maintenance, wash, or fueling facilities. Some limited assembly and repackaging may occur within the facility.

**WAREHOUSE, HIGH-CUBE FULFILLMENT CENTER (SORT & NON-SORT)** – A sort facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. A non-sort facility is a fulfillment center that ships large box items that are processed primarily with automation rather than through manual means.



**WATER SYSTEM** – A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

1. **Public Water Service.** Service by a central water system that is owned and operated by a Municipal Authority or a water company with a service area defined by the State Public Utility Commission which transmits water from a common source to more than 50 dwellings or principal uses.
2. **On-Lot or Non-Public Water Service.** Service by a water system that does not meet the definition of a "public water service". In most cases, this would involve an individual well serving an individual lot but may also include a common well or another duly approved system.

**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.

**WETLANDS** – An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: The following was the official Federal definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. The regulations are enforced by the U. S. Army Corps of Engineers, the U. S. Fish and Wildlife Service and the Pennsylvania Department of Environmental Protection.)

**WHOLESALE SALES** – An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**WIND ENERGY SYSTEM, SMALL** – An aggregation of parts including the base, tower, generator, rotor, blades, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy and used as an accessory to a residential use.

**WIND ENERGY SYSTEM** – A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal structure which is sized and intended to be

used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a Commercial Wind Farm.

**WIRELESS FACILITY, MICRO** – A Small Wireless Facility that does not exceed two (2) cubic feet in volume and has an exterior antenna no longer than eleven (11) inches.

**WIRELESS FACILITY, SMALL** – The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

1. Each antenna associated with the deployment is no more than three cubic feet in volume.
2. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty (20) cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume under this paragraph.

**YARD** – An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

**YARD, FRONT** – A yard between the front lot line (which usually is the future street (right-of-way line) and the closest portion of the subject structure or use and that extends the full width of the lot and from side lot line to side lot line.

1. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
2. When a lot abuts onto 2 or more public streets, the Zoning Officer shall determine that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots. See Definition for “Lot, Corner.”
3. No accessory or principal building shall extend into the required front yard.

**YARD, REAR** – A yard extending the full-width of the lot and situated between the rear line and the closest portion of the subject building, and stretching between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building and an accessory structure shall not extend into the required rear yard for an accessory structure.

**YARD, SIDE** – A yard situated between the closest portion of the subject building and the entire length of the side lot line and extending from the front lot line to the rear lot line. Any lot line that is not determined by the Zoning Officer to be a rear line or a front line shall be deemed a side yard line. A building shall not extend into the specified required side yard.

**ZONING MAP** – The Official Zoning Map of Lower Nazareth Township. Northampton County, Pennsylvania.

LOWER NAZARETH TOWNSHIP ZONING ORDINANCE, Article XII  
Adopted December 13, 2023

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ZONING OFFICER/ADMINISTRATOR – The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

ZONING ORDINANCE – The Lower Nazareth Township Zoning Ordinance, as amended.




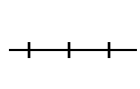
**Lower Nazareth Township  
Zoning Ordinance**

**Exhibits 1 and 2**

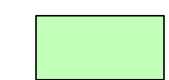

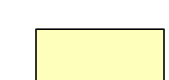
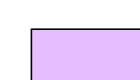
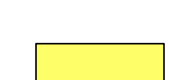


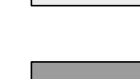



**Base Zoning Districts, Zoning Map  
Zoning Overlays Map**



**Legend**

-  Township Boundary
-  Parcel
-  Stream/Lake/Pond
-  Railroad

**Proposed Transect Zone**

- |  |  |  |  |
|--|--|--|--|
|  TD1 | Agriculture (min. lot size: 2 acre)  |  TD8  | Regional Mixed Use                       |
|  TD2 | Estate Residential (min. lot size: 1 acre)   |  TD9  | Contracting, Craftsman and Artisan       |
|  TD3 | Suburban Residential (min lot size: .8 acre)   |  TD10 | Assembly and Distribution                |
|  TD4 | Village Residential (min lot size: .3 acre)  |  TD11 | Manufacturing, Extraction and Processing |
|  TD5 | Town Residential: Detached (min lot size: .18 acre)<br>Town Residential: Attached (min lot size: .06 acre) |  |  |
|  TD6 | Village Mixed Use  |  |  |
|  TD7 | Suburban Mixed Use   |  |  |

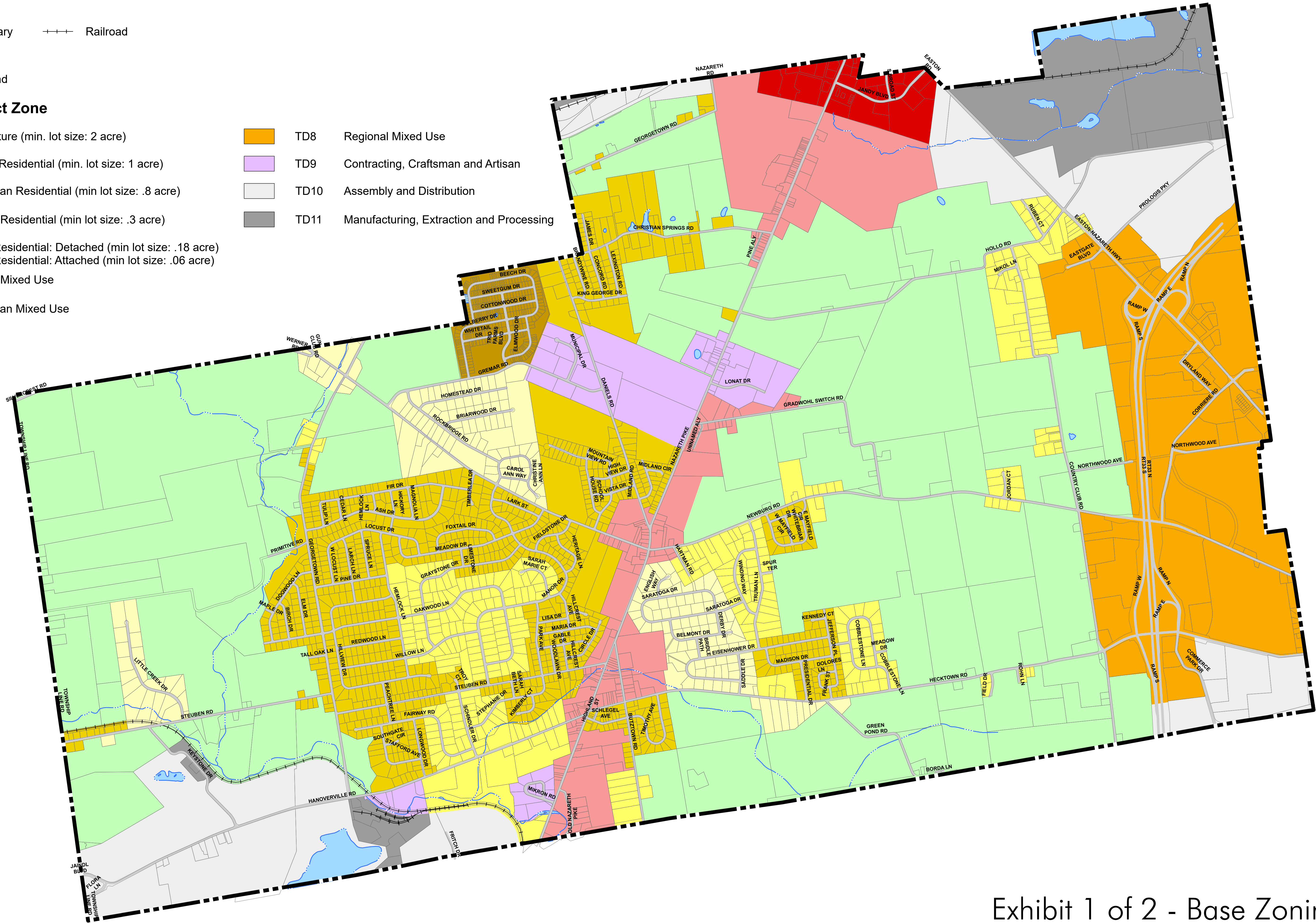
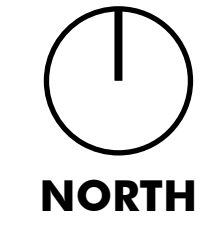


Exhibit 1 of 2 - Base Zoning Districts  
**OFFICIAL ZONING MAP**

**LOWER NAZARETH TOWNSHIP**  
Adopted December 13, 2023

0 0.25 0.5 Miles





**Legend**

- Township Boundary
- Parcel
- Stream/Lake/Pond
- Railroad

**Proposed Overlay Zones**

- Designated Growth Area
- Route 191 Traffic Management Overlay
- Mid-land Traffic Management Overlay
- Route 248 Traffic Management Overlay
- Health Care Overlay

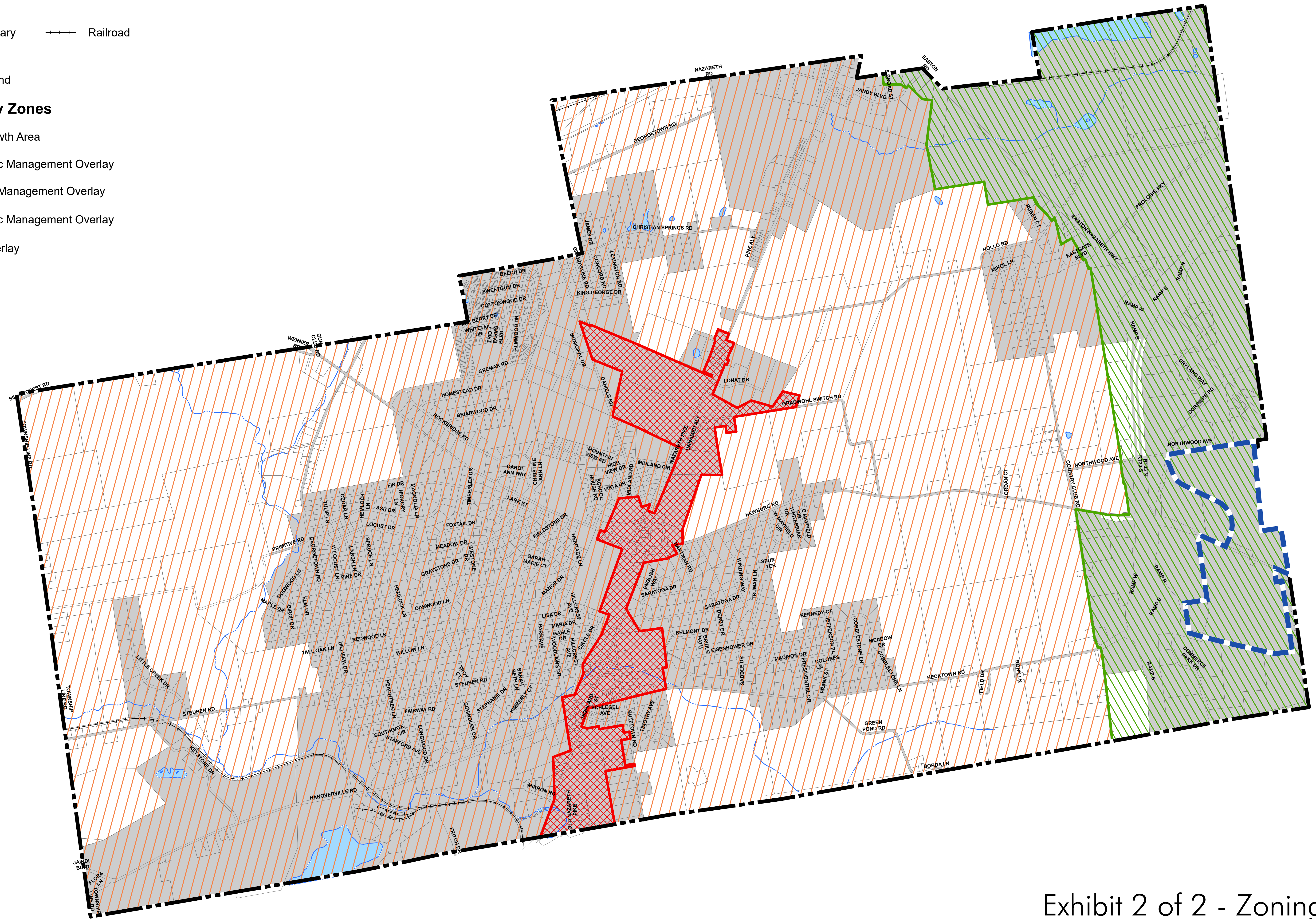
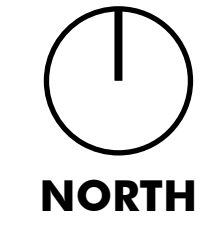


Exhibit 2 of 2 - Zoning Overlays  
**OFFICIAL ZONING MAP**

LOWER NAZARETH TOWNSHIP  
Adopted December 13, 2023

0 0.25 0.5 Miles



NORTH



**Lower Nazareth Township  
Zoning Ordinance**

**Official Circulation Plan**





**Lower Nazareth Township  
Zoning Ordinance**

**Quick Views, TD1 thru TD11**

# TD-1 AGRICULTURE

Purpose: To preserve agricultural lands and woodlands, to encourage conservation of open space and rural landscapes, and to allow for limited low-density residential uses and limited business uses compatible with working lands.

## LOT DIMENSIONAL STANDARDS

|   |                         |
|---|-------------------------|
| MIN. LOT AREA                             | Residential: 2 acres    |
|   | Nonresidential: 5 acres |
| MIN. LOT WIDTH                            |                         |
| on Local/Collector Street                 | 180 ft                  |
| on Arterial Street                        | 250 ft                  |
| MAX. BUILDING HEIGHT                      |                         |
| All Structures                            | 35 ft                   |
| COVERAGE                                  |                         |
| Max. Building Coverage                    | 20%                     |
| Max. Impervious Coverage                  | 30%                     |
| MIN. YARD SETBACKS - PRINCIPAL STRUCTURES |                         |
| Front Yard, on Local/Collector Street     | 40 ft                   |
| Front Yard, on Arterial Street            | 50 ft                   |
| Side Yard                                 | 10 ft                   |
| Rear Yard                                 | 40 ft                   |
| MIN. YARD SETBACK - ACCESSORY STRUCTURES  |                         |
| Side Yard                                 | 10 ft                   |
| Rear Yard                                 | 5 ft                    |

## PERMITTED USES

| PRINCIPAL USES                               |   | ACCESSORY USES  |   |
|--|---|---|---|
| <b>Residential</b>                           |   | Accessory Dwelling Unit                                 | A |
| Farmstead                                    | P | Accessory Use Customarily Incidental to a Principal Use | A |
| <b>Non-Residential</b>                       |   | Agriculture Supportive Industry/Service                 | A |
| Agriculture Equipment Sales                  | C | Apiary, Honey Bee                                       | A |
| Agriculture Operation                        | P | Day Care, Accessory                                     | A |
| Campground                                   | C | Fairgrounds   | A |
| Commercial Communications Antenna            | P | Farm Café   | A |
| Commercial Stable                            | P | Farm Market   | A |
| Concentrated Animal Feeding Operation (CAFO) | C | Farm Store/Shop   | A |
| Concentrated Animal Operation (CAO)          | C | Home-Based Business, Low Impact                         | A |
| Conservation                                 | P | Home-Based Business, No Impact                          | A |
| Craftsman/Artisan Studio                     | P | Outdoor Storage, Domestic                               | A |
| Essential Services                           | P | Raising of Livestock or Poultry                         | A |
| Forestry                                     | P | Retail Sales of Agricultural Products                   | A |
| Garden Center                                | P | Solar Photovoltaic (PV) System                          | A |
| Kennel                                       | C | Sugar Shack   | A |
| Limited Winery                               | P | Swimming Pool, Accessory                                | A |
| Lumber Mill                                  | C | Wind Energy System, Small                               | A |
| Noncommercial Crop Storage                   | P |   |   |
| Place of Assembly                            | P |   |   |
| Place of Worship                             | P |   |   |
| Plant Nursery                                | P |   |   |
| Public Recreation                            | P |   |   |
| Solar, Utility-Scale                         | C |   |   |
| Wind Energy System                           | C |   |   |

**Legend**  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

# TD-2 ESTATE RESIDENTIAL

Purpose: To accommodate low-density single-family detached dwellings on larger lots which may not be serviced by public sewer and water, and in conjunction with rural agriculture activities.

## LOT DIMENSIONAL STANDARDS

|                                       |        |
|---------------------------------------|--------|
| MIN. LOT AREA                         | 1 Ac.  |
| MIN. LOT WIDTH                        | 150 ft |
| MAX. BUILDING HEIGHT                  |        |
| All Structures                        | 35 ft  |
| COVERAGE                              |        |
| Max. Building Coverage                | 30%    |
| Max. Impervious Coverage              | 45%    |
| MIN. YARD SETBACK - PRINCIPAL         |        |
| Front Yard, on Local/Collector Street | 30 ft  |
| Front Yard, on Arterial Street        | 50 ft  |
| Side Yard                             | 15 ft  |
| Rear Yard                             | 40 ft  |
| MIN. YARD SETBACK - ACCESSORY         |        |
| Side Yard                             | 10 ft  |
| Rear Yard                             | 10 ft  |

## PERMITTED USES

| PRINCIPAL USES                    |   | ACCESSORY USES  |   |
|-----------------------------------|---|---|---|
| <b>Residential</b>                |   | Accessory Apartment                                     | A |
| Bed and Breakfast                 | P | Accessory Dwelling Unit                                 | A |
| Dwelling, Single-Family Detached  | P | Accessory Use Customarily Incidental to a Principal Use | A |
| Group Care Facility               | C | Apiary, Honey Bee                                       | A |
| Group Home                        | P | Home Occupation   | A |
| <b>Non-Residential</b>            |   | Home-Based Business, No Impact                          | A |
| Commercial Communications Antenna | P | Outdoor Storage, Domestic                               | A |
| Conservation                      | P | Raising of Livestock or Poultry                         | A |
| Essential Services                | P | Solar Photovoltaic (PV) System                          | A |
| Forestry                          | P | Swimming Pool, Accessory                                | A |
| Public Recreation                 | P | Urban Agriculture                                       | A |

Legend  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

# TD-3 SUBURBAN RESIDENTIAL

Purpose: To allow for low-density neighborhoods of single-family detached dwellings, typically on local streets and with private driveways, and largely serviced by on-site wastewater treatment.

## LOT DIMENSIONAL STANDARDS

|                                       |          |
|---------------------------------------|----------|
| MIN. LOT AREA                         | 34848 sf |
| MIN. LOT WIDTH                        | 120 ft   |
| MAX. BUILDING HEIGHT                  |          |
| All Structures                        | 35 ft    |
| COVERAGE                              |          |
| Max. Building Coverage                | 30%      |
| Max. Impervious Coverage              | 45%      |
| MIN. YARD SETBACK - PRINCIPAL         |          |
| Front Yard, on Local/Collector Street | 30 ft    |
| Front Yard, on Arterial Street        | 50 ft    |
| Side Yard                             | 15 ft    |
| Rear Yard                             | 40 ft    |
| MIN. YARD SETBACK - ACCESSORY         |          |
| Side Yard                             | 10 ft    |
| Rear Yard                             | 10 ft    |

## PERMITTED USES

| PRINCIPAL USES                    |   | ACCESSORY USES  |   |
|-----------------------------------|---|---|---|
| <b>Residential</b>                |   | Accessory Apartment                                     | A |
| Bed and Breakfast                 | P | Accessory Dwelling Unit                                 | A |
| Dwelling, Single-Family Detached  | P | Accessory Use Customarily Incidental to a Principal Use | A |
| Group Care Facility               | C | Apiary, Honey Bee                                       | A |
| Group Home                        | P | Home Occupation   | A |
| <b>Non-Residential</b>            |   | Home-Based Business, No Impact                          | A |
| Child Care Center                 | P | Outdoor Storage, Domestic                               | A |
| Child Care Home, Family           | P | Raising of Livestock or Poultry                         | A |
| Child Care Home, Group            | C | Swimming Pool, Accessory                                | A |
| Commercial Communications Antenna | P | Urban Agriculture                                       | A |
| Conservation                      | P |   |   |
| Day Care Center, Adult            | C |   |   |
| Essential Services                | P |   |   |
| Forestry                          | P |   |   |
| Public Recreation                 | P |   |   |

**Legend**  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

# TD-4 VILLAGE RESIDENTIAL

Purpose: To accommodate medium-density neighborhoods of single-family attached and detached dwellings typically along local streets with a more, walkable grid-like pattern.

## LOT DIMENSIONAL STANDARDS

|                                       |          |
|---------------------------------------|----------|
| MIN. LOT AREA                         | 13068 sf |
| MIN. LOT WIDTH                        | 90 ft    |
| MAX. BUILDING HEIGHT                  |          |
| All Structures                        | 35 ft    |
| COVERAGE                              |          |
| Max. Building Coverage                | 30%      |
| Max. Impervious Coverage              | 45%      |
| MIN. YARD SETBACK - PRINCIPAL         |          |
| Front Yard, on Local/Collector Street | 30 ft    |
| Front Yard, on Arterial Street        | 40 ft    |
| Side Yard                             | 15 ft    |
| Rear Yard                             | 40 ft    |
| MIN. YARD SETBACK - ACCESSORY         |          |
| Side Yard                             | 10 ft    |
| Rear Yard                             | 10 ft    |

## PERMITTED USES

| PRINCIPAL USES                    |   | ACCESSORY USES  |   |
|-----------------------------------|---|---|---|
| <b>Residential</b>                |   | Accessory Apartment                                     | A |
| Bed and Breakfast                 | P | Accessory Use Customarily Incidental to a Principal Use | A |
| Cluster Development               | P | Apiary, Honey Bee                                       | A |
| Duplex                            | P | Day Care, Accessory                                     | A |
| Dwelling, Single-Family Detached  | P | Home Occupation   | A |
| Group Care Facility               | C | Home-Based Business, No Impact                          | A |
| Group Home                        | P | Outdoor Storage, Domestic                               | A |
| <b>Non-Residential</b>            |   | Raising of Livestock or Poultry                         | A |
| Child Care Center                 | P | Swimming Pool, Accessory                                | A |
| Child Care Home, Family           | P | Urban Agriculture                                       | A |
| Child Care Home, Group            | P |   |   |
| Commercial Communications Antenna | P |   |   |
| Conservation                      | P |   |   |
| Day Care Center, Adult            | P |   |   |
| Essential Services                | P |   |   |
| Forestry                          | P |   |   |
| Place of Assembly                 | P |   |   |
| Place of Worship                  | P |   |   |
| Public Recreation                 | P |   |   |

**Legend**  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

# TD-5 TOWN RESIDENTIAL

Purpose: To provide for neighborhoods that are medium-to-high density and accommodate a mix of single and multifamily dwellings, typically along local streets with a more walkable grid-like pattern.

## LOT DIMENSIONAL STANDARDS

### MAX. BUILDING HEIGHT

|                |        |
|----------------|--------|
| All Structures | 35 ft* |
|----------------|--------|

### COVERAGE

|                          |     |
|--------------------------|-----|
| Max. Building Coverage   | 50% |
| Max. Impervious Coverage | 60% |

### MIN. YARD SETBACK - PRINCIPAL

|                                       |       |
|---------------------------------------|-------|
| Front Yard, on Local/Collector Street | 15 ft |
| Side Yard                             | 10 ft |
| Rear Yard                             | 30 ft |

### MIN. YARD SETBACK - ACCESSORY

|           |       |
|-----------|-------|
| Side Yard | 10 ft |
| Rear Yard | 10 ft |

### MIN. LOT SIZE

|                                     | MIN. LOT AREA PER UNIT | MIN. LOT WIDTH |
|-------------------------------------|------------------------|----------------|
| Dwelling, Single-Family Detached    | 7840 sf                | 65 ft          |
| Dwelling, Townhouse                 | 2613 sf                | 26 ft          |
| Dwelling, Multi-Family (Apartments) | 2000 sf                | 80 ft          |
| All Other Permitted Uses            | 43560 sf               | 150 ft         |

## PERMITTED USES

### PRINCIPAL USES

| Residential                         |   |
|-------------------------------------|---|
| Bed and Breakfast                   | P |
| Boarding House                      | P |
| Duplex                              | P |
| Dwelling, Multi-Family (Apartments) | P |
| Dwelling, Single-Family Detached    | P |
| Dwelling, Townhouse                 | P |
| Group Home                          | P |
| Personal Care Boarding Home         | C |

### Non-Residential

|                                   |   |
|-----------------------------------|---|
| Child Care Center                 | P |
| Child Care Home, Family           | P |
| Child Care Home, Group            | P |
| Commercial Communications Antenna | P |
| Day Care Center, Adult            | P |
| Essential Services                | P |
| Forestry                          | P |
| Public Recreation                 | P |
| School, Primary and Secondary     | P |

### ACCESSORY USES

|   |   |
|---|---|
| Accessory Apartment                                     | A |
| Accessory Use Customarily Incidental to a Principal Use | A |
| Apiary, Honey Bee                                       | A |
| Day Care, Accessory                                     | A |
| Electric Vehicle Charging Station                       | A |
| Home Occupation   | A |
| Home-Based Business, No Impact                          | A |
| Outdoor Storage, Domestic                               | A |
| Raising of Livestock or Poultry                         | A |
| Swimming Pool, Accessory                                | A |

#### Legend

- P = Permitted by Right
- C = Conditional Use
- S = Use by Special Exception
- A = Accessory

# TD-6 VILLAGE MIXED-USE

Purpose: To accommodate medium-density clusters of low-impact, neighborhood-oriented residential and nonresidential land uses in rural communities, ranging from single-family dwellings to professional offices to small institutional buildings.

## LOT DIMENSIONAL STANDARDS

### MAX. BUILDING HEIGHT

|                |        |
|----------------|--------|
| All Structures | 35 ft* |
|----------------|--------|

### COVERAGE

|                          |     |
|--------------------------|-----|
| Max. Building Coverage   | 50% |
| Max. Impervious Coverage | 60% |

### MIN. YARD SETBACK - PRINCIPAL

|                                       |       |
|---------------------------------------|-------|
| Front Yard, on Local/Collector Street | 10 ft |
| Side Yard                             | 5 ft  |
| Rear Yard                             | 20 ft |

### MIN. YARD SETBACK - ACCESSORY

|           |      |
|-----------|------|
| Side Yard | 2 ft |
| Rear Yard | 2 ft |

### MIN. LOT SIZE

|                                    | MIN. LOT AREA       | MIN. LOT WIDTH |
|------------------------------------|---------------------|----------------|
| Dwelling, Townhouse                | 2613 sqft. per unit | 26 ft          |
| Dwelling, Multifamily (Apartments) | 2000 sqft. per unit | 80 ft          |
| All Other Permitted Uses           | 5000 sqft.          | 50 ft          |

## PERMITTED USES

### PRINCIPAL USES

| Residential                                   |   |
|---|---|
| Bed and Breakfast                             | P |
| Cluster Development                           | C |
| Dwelling, Multi-Family (Apartments)           | P |
| Dwelling, Single-Family Detached              | P |
| Dwelling, Townhouse                           | P |
| Group Home                                    | P |
| Non-Residential                               |   |
| Animal Daycare                                | P |
| Animal Hospital, Small                        | C |
| Bakery  | P |
| Bank  | C |
| Brewpub                                       | C |
| Cemetery                                      | P |
| Child Care Center                             | P |
| Child Care Home, Family                       | P |
| Child Care Home, Group                        | P |
| Commercial Communications Antenna             | P |
| Contractor Office/Yard                        | C |
| Convenience Store                             | C |
| Cultural/Community Center                     | C |
| Day Care Center, Adult                        | P |
| Dry Cleaning Establishment                    | P |
| Emergency Services                            | P |
| Essential Services                            | P |
| Exercise Club                                 | C |
| Forestry                                      | P |
| Funeral Home                                  | C |
| Garden Center                                 | P |
| Grocery Store                                 | C |
| Home Improvement/Building Supply, Small Scale | C |
| Laundromat                                    | P |
| Library                                       | C |
| Medical Clinic                                | C |
| Medical Marijuana Dispensary Facility         | C |
| Mixed-Use Building                            | C |
| Municipal Use, Non-Utility                    | P |

|                           |   |
|---------------------------|---|
| Nursing Home              | C |
| Office, Medical or Dental | C |
| Office, Professional      | C |
| Personal Services         | P |
| Pharmacy                  | C |
| Place of Assembly         | C |
| Place of Worship          | C |
| Public Recreation         | P |
| Public Utility Facility   | P |
| Restaurant, Café          | P |
| Restaurant, Quick Serve   | C |
| Restaurant, Sit-down      | C |
| Retail, Medium-Scale      | C |
| Retail, Small-Scale       | C |
| Tavern                    | P |

### ACCESSORY USES

|   |   |
|---|---|
| Accessory Apartment                                     | A |
| Accessory Use Customarily Incidental to a Principal Use | A |
| Apiary, Honey Bee                                       | A |
| Day Care, Accessory                                     | A |
| Electric Vehicle Charging Station                       | A |
| Flea Market   | A |
| Home Occupation   | A |
| Home-Based Business, No Impact                          | A |
| Outdoor Storage, Domestic                               | A |
| Raising of Livestock or Poultry                         | A |
| Swimming Pool, Accessory                                | A |

#### Legend

- P = Permitted by Right
- C = Conditional Use
- S = Use by Special Exception
- A = Accessory

# TD-7 SUBURBAN MIXED-USE

Purpose: To allow for commercial uses that service the needs of the community that have direct access to arterial and collector roads which primarily rely on motor vehicles to provide customer accessibility and also including clusters of medium density housing..

## LOT DIMENSIONAL STANDARDS

|                               |        |
|-------------------------------|--------|
| MIN. LOT AREA                 | 1 Ac.  |
| MIN. LOT WIDTH                | 150 ft |
| MAX. BUILDING HEIGHT          |        |
| All Structures                | 40 ft  |
| COVERAGE                      |        |
| Max. Building Coverage        | 40%    |
| Max. Impervious Coverage      | 70%    |
| MIN. YARD SETBACK - PRINCIPAL |        |
| Front Yard                    | 30 ft  |
| Side Yard                     | 15 ft  |
| Rear Yard                     | 30 ft  |
| MIN. YARD SETBACK - ACCESSORY |        |
| Side Yard                     | 10 ft  |
| Rear Yard                     | 10 ft  |

## PERMITTED USES

### PRINCIPAL USES

| Non-Residential                                |   |
|--|---|
| Animal Daycare                                 | P |
| Animal Hospital, Small                         | P |
| Auto, Boat, or Mobilehome Sales                | C |
| Bank   | P |
| Beverage Distribution                          | P |
| Brewpub  | P |
| Car Wash                                       | P |
| Child Care Center                              | P |
| Child Care Home, Family                        | P |
| Child Care Home, Group                         | P |
| Commercial Communications Antenna              | P |
| Convenience Store                              | P |
| Convenience Store With Fuel/Energy Recharge    | C |
| Craftsman/Artisan Studio                       | C |
| Cultural/Community Center                      | P |
| Day Care Center, Adult                         | P |
| Dry Cleaning Establishment                     | P |
| Essential Services                             | P |
| Exercise Club                                  | P |
| Financial Institution                          | P |
| Forestry                                       | P |
| Funeral Home                                   | P |
| Garden Center                                  | P |
| Grocery Store                                  | C |
| Home Improvement/Building Supply, Medium Scale | P |
| Laundromat                                     | P |
| Library  | P |
| Medical Clinic                                 | P |
| Medical Marijuana Dispensary Facility          | P |
| Mixed-Use Building                             | P |
| Municipal Use, Non-Utility                     | P |
| Office, Medical or Dental                      | P |
| Office, Professional                           | P |
| Personal Services                              | P |
| Pharmacy                                       | P |
| Place of Assembly                              | P |
| Place of Worship                               | P |

|                               |   |
|-------------------------------|---|
| Plant Nursery                 | P |
| Public Utility Facility       | P |
| Restaurant, Café              | P |
| Restaurant, Fast-Food         | P |
| Restaurant, Quick Serve       | P |
| Restaurant, Sit-down          | P |
| Retail, Medium-Scale          | P |
| Retail, Small-Scale           | P |
| School, Post-Secondary        | C |
| School, Pre-Kindergarten      | C |
| School, Primary and Secondary | C |
| School, Secondary Trade       | C |
| Supermarket                   | P |
| Tavern                        | P |

### ACCESSORY USES

|   |   |
|---|---|
| Accessory Use Customarily Incidental to a Principal Use | A |
| Apiary, Honey Bee                                       | A |
| Car Wash  | A |
| Drive-Through Facility                                  | A |
| Electric Vehicle Charging Station                       | A |
| Garden Center, Accessory                                | A |
| Home-Based Business, No Impact                          | A |
| Raising of Livestock or Poultry                         | A |

**Legend**  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory



# TD-8 REGIONAL MIXED-USE

Purpose: To permit areas for larger-scale master-planned retail and service centers, dining, lodging, entertainment, and other tourism-related commercial activities serving the broader region, as well as select low-impact light industrial uses.

## LOT DIMENSIONAL STANDARDS

|                                      |       |
|--------------------------------------|-------|
| <b>MAX. BUILDING HEIGHT</b>          |       |
| All Structures                       | 45 ft |
| <b>COVERAGE</b>                      |       |
| Max. Building Coverage               | 40%   |
| Max. Impervious Coverage             | 70%   |
| <b>MIN. YARD SETBACK - PRINCIPAL</b> |       |
| Front Yard                           | 50 ft |
| Side Yard                            | 30 ft |
| Rear Yard                            | 50 ft |
| <b>MIN. YARD SETBACK - ACCESSORY</b> |       |
| Side Yard                            | 10 ft |
| Rear Yard                            | 10 ft |

| MIN. LOT AREA                      | LOT AREA PER UNIT MINIMUM | LOT WIDTH MINIMUM |
|------------------------------------|---------------------------|-------------------|
| Dwelling, Townhouse                | 2613 sf                   | 26 ft             |
| Dwelling, Multifamily (Apartments) | 2000 sf                   | 80 ft             |
| All Other Permitted Uses           | 1 Ac.                     | 150 ft            |

## ACCESSORY USES

|   |   |
|---|---|
| Accessory Use Customarily Incidental to a Principal Use | A |
| Apiary, Honey Bee                                       | A |
| Billboard   | A |
| Car Wash  | A |
| Day Care, Accessory                                     | A |
| Electric Vehicle Charging Station                       | A |
| Garden Center, Accessory                                | A |
| Health Care Accessory Facilities                        | A |
| Heliport  | A |
| Home Occupation   | A |
| Home-Based Business, No Impact                          | A |
| Outdoor Display of Merchandise                          | A |
| Raising of Livestock or Poultry                         | A |
| Swimming Pool, Accessory                                | A |

## PERMITTED USES

### PRINCIPAL USES

| Residential                                   |   |
|---|---|
| Cluster Development                           | C |
| Dwelling, Multi-Family (Apartments)           | P |
| Dwelling, Townhouse                           | P |
| Group Home                                    | P |
| Health Care Residential Facility              | P |
| Personal Care Boarding Home                   | P |
| Non-Residential                               |   |
| Animal Daycare                                | P |
| Animal Hospital, Small                        | P |
| Auto Service/Repair Station                   | P |
| Auto, Boat, or Mobilehome Sales               | P |
| Bank  | P |
| Beverage Distribution                         | P |
| Brewpub                                       | P |
| Car Wash                                      | P |
| Child Care Center                             | P |
| Child Care Home, Family                       | P |
| Child Care Home, Group                        | P |
| Commercial Communications Antenna             | P |
| Commercial Communications Tower               | P |
| Convenience Store                             | P |
| Convenience Store With Fuel/Energy Recharge   | C |
| Craftsman/Artisan Studio                      | C |
| Cultural/Community Center                     | P |
| Day Care Center, Adult                        | P |
| Dry Cleaning Establishment                    | P |
| Essential Services                            | P |
| Exercise Club                                 | P |
| Financial Institution                         | P |
| Forestry                                      | P |
| Funeral Home                                  | P |
| Garden Center                                 | P |
| Grocery Store                                 | C |
| Home Improvement/Building Supply, Large Scale | P |
| Hospital                                      | P |
| Hotel   | P |
| Kennel  | C |
| Laundromat                                    | P |

|                                       |   |
|---------------------------------------|---|
| Library                               | P |
| Medical Clinic                        | P |
| Medical Marijuana Dispensary Facility | P |
| Mixed-Use Building                    | P |
| Municipal Use, Non-Utility            | P |
| Office, Medical or Dental             | P |
| Office, Professional                  | P |
| Personal Services                     | P |
| Pharmacy                              | P |
| Place of Assembly                     | P |
| Place of Worship                      | P |
| Plant Nursery                         | P |
| Public Recreation                     | P |
| Public Utility Facility               | P |
| Restaurant, Café                      | P |
| Restaurant, Fast-Food                 | P |
| Restaurant, Quick Serve               | P |
| Restaurant, Sit-down                  | P |
| Retail, Large-Scale                   | P |
| Retail, Small-Scale                   | P |
| School, Post-Secondary                | C |
| School, Pre-Kindergarten              | C |
| School, Primary and Secondary         | C |
| School, Secondary Trade               | C |
| Shopping Center                       | C |
| Supermarket                           | P |
| Tavern                                | P |
| Theater, Indoor Movie                 | C |

**Legend**  
 P = Permitted by Right  
 C = Conditional Use  
 S = Use by Special Exception  
 A = Accessory

# TD-9 CONTRACTING, CRAFTSMAN, AND ARTISAN

Purpose: To accommodate low intensity uses that involve producing, repairing and/or selling products involving primarily handmade workmanship, which may be conducted on the premises or within a residential dwelling and which does not detrimentally impact the residential character of surrounding properties.

## LOT DIMENSIONAL STANDARDS

|                                    |        |
|------------------------------------|--------|
| MIN. LOT AREA                      | 1 Ac.  |
| MIN. LOT WIDTH                     | 150 ft |
| MAX. BUILDING HEIGHT               |        |
| All Structures                     | 45 ft  |
| COVERAGE                           |        |
| Max. Building Coverage             | 40%    |
| Max. Impervious Coverage           | 70%    |
| MIN. YARD SETBACK - All Structures |        |
| Front Yard                         | 75 ft  |
| Side Yard                          | 30 ft  |
| Rear Yard                          | 50 ft  |

## PERMITTED USES

| PRINCIPAL USES                    |   | ACCESSORY USES  |   |
|-----------------------------------|---|---|---|
| <b>Residential</b>                |   | Accessory Use Customarily Incidental to a Principal Use | A |
| Cluster Development               | C | Apiary, Honey Bee                                       | A |
| <b>Non-Residential</b>            |   | Outdoor Display of Merchandise                          | A |
| Auto/Truck/Body Collision Center  | P | Outdoor Storage   | A |
| Auto, Boat, or Mobilehome Sales   | P | Raising of Livestock or Poultry                         | A |
| Auto Towing/Yard                  | P |   |   |
| Commercial Communications Antenna | P |   |   |
| Commercial Communications Tower   | P |   |   |
| Contractor Office/Yard            | P |   |   |
| Craftsman/Artisan Studio          | P |   |   |
| Emergency Services                | P |   |   |
| Essential Services                | P |   |   |
| Exercise Club                     | P |   |   |
| Forestry                          | P |   |   |
| Garden Center                     | P |   |   |
| Municipal Use, Non Utility        | P |   |   |
| Office, Professional              | P |   |   |
| Plant Nursery                     | P |   |   |
| Public Utility                    | P |   |   |

Legend  
 P = Permitted by Right  
 C = Conditional Use  
 S = Use by Special Exception  
 A = Accessory

# TD-10 ASSEMBLY AND DISTRIBUTION

Purpose: To provide for locations accommodating less intense industrial land uses such as light manufacturing, warehousing and distribution, research/testing facilities, and supporting offices.

## LOT DIMENSIONAL STANDARDS

|                                    |        |
|------------------------------------|--------|
| MIN. LOT AREA                      | 2 Ac.  |
| MIN. LOT WIDTH                     | 350 ft |
| MAX. BUILDING HEIGHT               |        |
| All Structures                     | 45 ft  |
| COVERAGE                           |        |
| Max. Building Coverage             | 40%    |
| Max. Impervious Coverage           | 70%    |
| MIN. YARD SETBACK - All Structures |        |
| Front Yard                         | 100 ft |
| Side Yard                          | 75 ft  |
| Rear Yard                          | 75 ft  |

## PERMITTED USES

| PRINCIPAL USES   |   | ACCESSORY USES  |   |
|--|---|---|---|
| Non-Residential  |   | Accessory Use Customarily Incidental to a Principal Use |   |
| Agricultural Operation   | P | Apiary, Honey Bee                                       | A |
| Auto Towing/Yard   | P | Day Care, Accessory                                     | A |
| Cemetery   | P | Outdoor Display of Merchandise                          | A |
| Commercial Communications Antenna                                    | P | Outdoor Storage   | A |
| Commercial Crop Storage  | P | Package Delivery Services                               | A |
| Concentrated Animal Feeding Operation (CAFO)                         | C | Raising of Livestock or Poultry                         | A |
| Concentrated Animal Operation (CAO)                                  | C |   |   |
| Conservation   | P |   |   |
| Contractor Office/Yard   | P |   |   |
| Convenience Store  | P |   |   |
| Convenience Store With Fuel/Energy Recharge                          | P |   |   |
| Distribution Center, Type 1  | C |   |   |
| Distribution Center, Type 2  | C |   |   |
| Dry Cleaning Plant   | P |   |   |
| Essential Services   | P |   |   |
| Forestry   | P |   |   |
| High-Cube Cold Storage Warehouse                                     | C |   |   |
| High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse             | C |   |   |
| High-Cube Parcel Hub Warehouse                                       | C |   |   |
| High-Cube Transload & Short-Term Storage Warehouse                   | C |   |   |
| Home Improvement/Building Supply, Large Scale                        | P |   |   |
| Manufacturing, Light   | C |   |   |
| Plant Nursery  | P |   |   |
| Public Recreation  | P |   |   |
| Public Utility Facility  | P |   |   |
| Recycling Collection Center  | P |   |   |
| Research and Development, Engineering/Testing Facility or Laboratory | P |   |   |
| Truck Depot/Terminal   | P |   |   |
| Warehouse  | P |   |   |
| Wholesale Sales  | P |   |   |
| Wind Energy System   | P |   |   |

**Legend**  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

## TD-11 MANUFACTURING, EXTRACTION, AND PROCESSING

Purpose: To provide locations for high intensity production, fabrication, and similar industrial uses and activities and to make appropriate provisions for the extraction and processing of mineral deposits from the earth that support the protection of health, safety, and welfare for the region’s citizens.

### LOT DIMENSIONAL STANDARDS

|                                    |        |
|------------------------------------|--------|
| MIN. LOT AREA                      | 2 Ac.  |
| MIN. LOT WIDTH                     | 350 ft |
| MAX. BUILDING HEIGHT               |        |
| All Structures                     | 45 ft  |
| COVERAGE                           |        |
| Max. Building Coverage             | 40%    |
| Max. Impervious Coverage           | 70%    |
| MIN. YARD SETBACK - All Structures |        |
| Front Yard                         | 100 ft |
| Side Yard                          | 75 ft  |
| Rear Yard                          | 75 ft  |

### PERMITTED USES

| PRINCIPAL USES                                    |   | ACCESSORY USES  |   |
|---|---|---|---|
| <b>Non-Residential</b>                            |   | Accessory Use Customarily Incidental to a Principal Use | A |
| Auto/Truck/Body Collision Center                  | P | Apiary, Honey Bee                                       | A |
| Auto Towing/Yard                                  | P | Outdoor Display of Merchandise                          | A |
| Bulk Storage of Fuel                              | P | Outdoor Storage   | A |
| Commercial Communications Antenna                 | P | Package Delivery Services                               | A |
| Commercial Communications Tower                   | P | Raising of Livestock                                    | A |
| Convenience Store With Fuel/Energy Recharge       | P |   |   |
| Distillery  | C |   |   |
| Dry Cleaning Plant                                | P |   |   |
| Essential Services                                | P |   |   |
| Forestry  | P |   |   |
| Lumber Mill                                       | C |   |   |
| Manufacturing, Heavy                              | C |   |   |
| Manufacturing, Light                              | P |   |   |
| Petroleum or Kerosene Refining and Distillation   | P |   |   |
| Plant Nursery                                     | P |   |   |
| Public Recreation                                 | P |   |   |
| Public Utility Facility                           | P |   |   |
| Recycling Collection Center                       | P |   |   |
| School, Secondary Trade                           | P |   |   |
| Stock Yard, Slaughterhouse, or Meat Packing Plant | P |   |   |

Legend  
P = Permitted by Right  
C = Conditional Use  
S = Use by Special Exception  
A = Accessory

**Lower Nazareth Township  
Zoning Ordinance**

**Signage Examples**

## Appendix: Signage. See Information on File at the Township Municipal Building

Signage Type Illustrative Key

| SIGN TYPE           | SIGNAGE EXAMPLES |
|---------------------|------------------|
| AWNING              |                  |
| CANOPY              |                  |
| FLAG                |                  |
| HANGING             |                  |
| LANDMARK            |                  |
| MARQUEE             |                  |
| PROJECTING          |                  |
| WALL                |                  |
| GROUND-FLOOR WINDOW |                  |
| UPPER-FLOOR WINDOW  |                  |
| GROUND              |                  |
| POLE                |                  |
| PYLON               |                  |
| SANDWICH BOARD      |                  |
| SHOPPING CENTER     |                  |

| SIGN TYPE          | SIGNAGE EXAMPLES |
|--------------------|------------------|
| BUILDING DIRECTORY |                  |
| BUILDING SIGN**    |                  |
| DIRECTIONAL        |                  |
| STREET ADDRESS     |                  |
| DEDICATION         |                  |
| INCIDENTAL***      |                  |
| INFORMATIVE        |                  |
| INTERPRETATIVE     |                  |
| SCULPTURAL FEATURE |                  |

### Signage Allotment

|                                 |     |  |
|---------------------------------|-----|--|
| <b>TD 1 non-residential use</b> |     |  |
| Ground or Pylon Sign            | max | 40' square foot area   |
| <b>TD 2-5</b>                   |     |  |
| Ground or Pylon Sign            | max | 8' height  |
|                                 | max | 40' square foot area   |
| Wall Sign                       | max | Square footage equal to the measured building height dimension |

### TD 6-9

| Total Building* SF | Signage Ratio | Building SF  |
|--------------------|---------------|--------------|
| <25,000            | 100 sf        | per 1,000 sf |
| >25,000            | 50 sf         | per 1,000 sf |

### TD 10-11

| Total Building* SF | Signage Ratio | Building SF  |
|--------------------|---------------|--------------|
| Any                | 5 sf          | per 1,000 sf |

\* Building does not include non-building structure

**Lower Nazareth Township  
Zoning Ordinance**

**Table D: Parking**

**Table D: Parking**

|  | <b>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</b>     | <b>PLUS 1 OFF-STREET PARKING SPACE REQUIRED FOR EACH</b>                                 |
|--|---|--|
| Agricultural Operation                       | none  | employee   |
| Agriculture Equipment Sales                  | none  | employee   |
| Animal Daycare                               | 3 drop-off spaces                                       | employee   |
| Animal Hospital, Small                       | 2 per exam room   | employee   |
| Auto Service/Repair Station                  | 5 per repair bay and 1/2 per gas pump                   | employee   |
| Auto Towing/Yard                             | none  | employee   |
| Auto, Boat, or Mobilehome Sales              | minimum 5   | employee   |
| Auto/Truck/Body Collision Center             | 5 per repair bay  | employee   |
| Bakery                                       | 1 per 500 square feet                                   | employee   |
| Bank   | 1 per office meeting space plus 2 per teller window     | employee   |
| Bed and Breakfast                            | 1 per rental unit plus 2 for non-resident dwelling unit | employee   |
| Beverage Distribution                        | 1 per delivery bay                                      | employee   |
| Boarding House                               | 1 per 2 bedrooms  | employee   |
| Brewpub                                      | 1 per 3 seats   | employee + 1 space per 1,000 sf of outdoor gathering/entertainment space                 |
| Bulk Storage of Fuel                         | none  | employee   |
| Campground                                   | minimum 10  | employee   |
| Car Wash                                     | 3 per washing lane or stall                             | employee   |
| Cemetery                                     | none  | employee   |
| Child Care Center                            | 1 per employee  | 8 children with spaces designed for safe and convenient drop-off and pick-up of children |
| Child Care Home, Family                      | none  | 3 children with spaces designed for safe and convenient drop-off and pick-up of children |
| Child Care Home, Group                       | none  | 3 children with spaces designed for safe and convenient drop-off and pick-up of children |
| Cluster Development                          | See dwelling requirements                               | See dwelling requirements  |
| Commercial Communications Antenna            | none  | none   |
| Commercial Communications Tower              | 1 space   | none   |
| Commercial Crop Storage                      | none  | employee   |
| Commercial Stable                            | (min. of 2) 1 per employee                              | 8 animals of capacity  |
| Concentrated Animal Feeding Operation (CAFO) | none  | employee   |
| Concentrated Animal Operation (CAO)          | none  | employee   |
| Conservation                                 | none  | none   |
| Contractor Office/Yard                       | 1 per 2,000 yard area                                   | employee   |
| Convenience Store                            | 1 per 200 sf  | employee   |
| Convenience Store With Fuel/Energy Recharge  | 1 per 200 sf  | employee   |
| Craftsman/Artisan Studio                     | 1   | employee   |
| Cultural/Community Center                    | 1 per 200 sf  | employee   |



**Table D: Parking**

|  | <b>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</b>   | <b>PLUS 1 OFF-STREET PARKING SPACE REQUIRED FOR EACH</b> |
|--|---|--|
| Day Care Center, Adult                             | 1 per employee  | none   |
| Distillery   | 1 per 3 seats   | employee   |
| Distribution Center, Type 1                        | 1 per employee plus +10,000 sq. ft. of total floor area   | company vehicle based at the lot                         |
| Dry Cleaning Establishment                         | none  | employee   |
| Dry Cleaning Plant                                 | none  | employee   |
| Duplex   | 2 per dwelling unit   | none   |
| Dwelling, Multi-Family (Apartments)                | 2.5 per dwelling unit (may be located in parking courts; .5 per allocated unit space may be in overflow lots or along 1 side of internal private streets with a cartway width of 30 feet or more) | 5% additional spaces for guest parking                   |
| Dwelling, Single-Family Detached                   | 2 per dwelling unit   | none   |
| Dwelling, Townhouse                                | 2 per dwelling unit   | 5% additional spaces for guest parking                   |
| Emergency Services                                 | none  | employee   |
| Essential Services                                 | none  | none   |
| Exercise Club                                      | 1 per 8 exercise stations   | employee   |
| Farmstead  | 2 per dwelling unit   | employee   |
| Financial Institution                              | 1 per office meeting space plus 2 per teller window   | employee   |
| Forestry   | none  | none   |
| Funeral Home                                       | 10 per viewing room   | employee   |
| Garden Center                                      | 1 per employee (min. of 5)  | 100 sq. ft. of inside sales space                        |
| Group Care   | see this Chapter  | none   |
| Group Home   | 2 per dwelling unit   | none   |
| Health Care Residential Facility                   | 2 per dwelling unit   | employee   |
| High-Cube Cold Storage Warehouse                   | 1 per employee plus +10,000 sq. ft. of total floor area   | company vehicle based at the lot                         |
| High-Cube Fulfillment Center (Sort & Non-Sort)     | 1 per employee plus +10,000 sq. ft. of total floor area   | company vehicle based at the lot                         |
| High-Cube Parcel Hub Warehouse                     | 1 per employee plus +10,000 sq. ft. of total floor area   | company vehicle based at the lot                         |
| High-Cube Transload & Short-Term Storage Warehouse | 1 per employee plus +10,000 sq. ft. of total floor area   | company vehicle based at the lot                         |
| Home Improvement/Building Supply, Large Scale      | 1 per 1,000 sq. ft. of total floor area   | none   |
| Home Improvement/Building Supply, Medium Scale     | 1 per 800 sq. ft. of total floor area   | none   |
| Home Improvement/Building Supply, Small Scale      | 1 per 500 sq. ft. of total floor area   | none   |
| Hospital   | 1 per 5 beds  | employee   |

**Table D: Parking**

|   | <b>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</b>          | <b>PLUS 1 OFF-STREET PARKING SPACE REQUIRED FOR EACH</b>      |
|---|--|---|
| Hotel   | 1 per rental unit plus 1 per 3 seats in any meeting rooms    | employee  |
| Kennel  | (min. of 4) 1 per employee                                   | 15 animals of capacity  |
| Laundromat                                      | 1 per 3 washing machines                                     | employee  |
| Library   | 1 per 300 sq. ft. of building floor area accessible to users | employee  |
| Limited Winery                                  | 1 per 3 seats  | 1 space per 1,000 sf of outdoor gathering/entertainment space |
| Lumber Mill                                     | none   | employee  |
| Manufacturing, Heavy                            | 1 per employee plus +10,000 sq. ft. of total floor area      | company vehicle based at the lot                              |
| Manufacturing, Light                            | 1 per employee plus +10,000 sq. ft. of total floor area      | company vehicle based at the lot                              |
| Medical Clinic                                  | 2 per exam room  | employee  |
| Medical Marijuana Dispensary Facility           | 5 minimum  | employee  |
| Mixed-Use Building                              | per combination of uses required                             | per combination of uses required                              |
| Municipal Use, Non-Utility                      | per Township facility designation                            | per Township facility designation                             |
| Noncommercial Crop Storage                      | none   | employee  |
| Office, Medical or Dental                       | 2 per exam room  | employee  |
| Office, Professional                            | 1 per 1,000 square feet                                      | none  |
| Personal Care Boarding Home                     | 2 per bed  | none  |
| Personal Services                               | 1 per 300 sq. ft. of total floor area                        | employee  |
| Petroleum or Kerosene Refining and Distillation | none   | employee  |
| Pharmacy  | 1 per 300 sq. ft. of total floor area                        | employee  |
| Place of Assembly                               | 1 per 3 seats  | employee  |
| Place of Worship                                | 1 per 3 seats  | employee  |
| Plant Nursery                                   | 1 per employee (min. of 5)                                   | 100 sq. ft. of inside sales space                             |
| Public Recreation                               | per Township facility designation                            | per Township facility designation                             |
| Public Utility Facility                         | none   | employee  |
| Recycling Collection Center                     | 2 per drop-off bin   | employee  |
| Restaurant, Café                                | 1 per 3 seats  | employee  |
| Restaurant, Fast-Food                           | 1 per 3 seats  | employee  |
| Restaurant, Quick Serve                         | 1 per 2 seats  | employee  |
| Restaurant, Sit-down                            | 1 per 3 seats  | employee  |
| Retail, Large-Scale                             | 1 per 500 sq. ft. of total floor area                        | none  |
| Retail, Small-Scale                             | 1 per 300 sq. ft. of total floor area                        | none  |
| School, Post-Secondary                          | 1 per employee   | 1.5 students not living on campus who attend class at peak    |

**Table D: Parking**

|   | <b>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</b>                                  | <b>PLUS 1 OFF-STREET PARKING SPACE REQUIRED FOR EACH</b>   |
|---|--|--|
| School, Pre-Kindergarten                          | 1 per employee   | none   |
| School, Primary and Secondary                     | 1 per employee   | none   |
| School, Secondary Trade                           | 1 per employee   | 1.5 students not living on campus who attend class at peak |
| Shopping Center                                   | 1 per 500 sq. ft. of total floor area  | none   |
| Solar, Utility-Scale                              | 1 space  | none   |
| Stock Yard, Slaughterhouse, or Meat Packing Plant | 100 sq. ft. of inside sales space  | employee   |
| Supermarket/Grocery Store                         | 1 per 500 sq. ft. of total floor area  | employee   |
| Tavern  | 1 per 30 sq. ft. total floor area  | employee   |
| Theater   | 1 per 3 seats (except 1 per 4 seats if parking is shared with 5 or more retail uses) | none   |
| Warehouse   | 1 per employee plus +10,000 sq. ft. of total floor area                              | company vehicle based at the lot                           |
| Wind Energy System                                | none   | none   |