

Ordinance No. 141

The Upper Saucon Township

Zoning Ordinance of 2009

Enacted June 9, 2009
Amended Oct. 4, 2010



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UPPER SAUCON TOWNSHIP
ZONING ORDINANCE AMENDMENTS:

- ORDINANCE NO 141 enacted on June 9, 2010 (Comprehensive amendment of Previous Zoning Ordinance.)
- ORDINANCE NO. 141-A enacted on October 4, 2010 (Comprehensive clean-up amendment)
- ORDINANCE NO. 141-B enacted on October 4, 2010 (Creation of the Village Commercial Overlay Zone)

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Article I

Background Provisions

Section 101 SHORT TITLE

This Ordinance is considered an amendment under Section 609 of the Act to the Upper Saucon Township Zoning Ordinance of July, 1986 and shall be known and may be cited as the "Upper Saucon Township Zoning Ordinance of 2009."

Section 102 PURPOSE

1. This Ordinance is enacted for the following purposes:
 - A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provision of adequate light and air; access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of the open space, natural, scenic, aesthetic and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
 - B. To prevent any or all of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.
 - C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - D. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, as well as mobile homes and mobile home parks.
 - E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.
2. This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township, and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township.
3. The basis for this Ordinance is the Upper Saucon Township Comprehensive Plan adopted on July 25, 1985 and the Saucon Region Comprehensive Recreation and Open Space Plan adopted on October 24, 2006. These Plans establish detailed community development goals and objectives, which this Ordinance seeks to

promote and to establish; however, it is recognized that circumstances may necessitate the adoption and timely pursuit of new goals and the enactment of new ordinances or amendments to this Ordinance without the completion of a new Comprehensive Plan and approval/or of new community development objectives.

SECTION 103 SCOPE

1. Except as noted below, from and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Upper Saucon Township shall be in conformity with the provisions of this Ordinance. Any legally-existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming and may be continued, extended, or changed subject to the regulations contained in Article 7 of this Ordinance.
2. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.
3. This Ordinance shall not apply to any existing or proposed uses, buildings, structures, signs, or extension thereof, occupied, owned, leased and/or operated by the Township, the Upper Saucon Sewage Treatment Authority and/or the Upper Saucon Township Municipal Authority.
4. The application of requirements of this Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have heretofore been superseded and preempted by:
 - A. the act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act;"
 - B. the act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act;"
 - C. the act of December 19, 1984 (P.L. 1140, No. 223), known as the Oil and Gas Act;" and,
 - D. to the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1 st Sp. Sess., P.L. 31, No.1), known as 'The Bituminous Mine Subsidence and Land Conservation Act.
5. The application of requirements of this Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under:
 - A. the act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act;"
 - B. the act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area

- Security Law;" or,
- C. the act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.
6. The regulations contained within this Ordinance do not apply to the use of public street rights-of-way.

SECTION 104 INTERPRETATION

1. In interpreting and applying the provisions of this Ordinance, such shall be considered to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.
2. In interpreting the language this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

SECTION 105 CONFLICT

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

SECTION 106 VALIDITY AND SEVERABILITY

Except as noted in Sections 220.U.5., 231.U.5. and 481.O., should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

SECTION 107 USES NOT PROVIDED FOR

Whenever a use is neither specifically permitted nor denied by this Ordinance, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards for special exception applications in Section 804.C. of this Ordinance. To approve the use the Board must find that applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. of this Ordinance and specifically as follows:

1. is similar to and compatible with the permitted uses in the Zone in which the subject property is located;
2. is not permitted in any other Zone under the terms of this Ordinance;
3. is proposed in a manner that complies with all applicable requirements imposed upon other uses that in the opinion of the Board of Supervisors most closely reflect the likely impacts that will be generated by the proposed use;
4. complies with all other applicable sections of this Ordinance and other ordinances of the Township;
5. in no way conflicts with the general purposes and intent of this Ordinance; and,
6. would not be detrimental to the public health, safety and welfare of the neighborhood or Township.

SECTION 108 ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, Upper Saucon Township is hereby divided into Zones which shall be designated as follows:

Base Zones Mapped on the Zoning Map

South Mountain Conservation Zone SMC – Section 200
 Agricultural Preservation Zone A – Section 201
 Open Space Residential Zone OSR – Section 210
 Rural Residential Zone R-1 – Section 211
 Suburban Residential Zone R-2 – Section 212
 Multi-Family Residential Zone R-3 – Section 213
 Commercial Zone C – Section 220
 Industrial Zone I – Section 230
 Enterprise Zone E – Section 231

Overlay Zones Not Mapped

Aged Qualified Community Overlay Zone AQC – Section 214
 Village Commercial Overlay Zone – Section 221

Overlay Zones mapped on the Natural & Cultural Features Map

Floodplain Zone – Section 510
 Riparian Buffers – Section 511
 Wetland and Wetland Buffers – Section 512
 Steep Slopes – Section 513
 Pennsylvania Natural Diversity Inventory Sites – Section 514
 Carbonate Geology – Section 515
 Wellhead Protection - Section 518
 Suspected Archaeological Resources – Section 520

SECTION 109 ZONING & NATURAL AND CULTURAL FEATURES MAPS

All areas within Upper Saucon Township are assigned to one of several Zones, the locations of which are established by this Ordinance and depicted upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this

Ordinance. In addition, the attached Natural and Cultural Features Map is also specifically declared to be a part of this Ordinance.

SECTION 110 ZONE BOUNDARY LINES

The Zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. In the event of dispute about the location of the boundary of any Zone, the Zoning Officer shall investigate and render a determination on the location of the line. Appeals from this determination shall be made to the Zoning Hearing Board in accordance with Section 804.E. of this Ordinance. When a property is contained within more than one Zone, every use is required to comply with all applicable design standards upon that portion of the property within the Zone in which the use is permitted and for the purposes of satisfying applicable design standards, the zoning boundary shall be treated as a property line.

SECTION 111 WORD USAGE

Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined differently within this Article.

SECTION 112 LANGUAGE INTERPRETATION

In this Ordinance, when not inconsistent with the context:

- A. words in the present tense imply also the future tense.
- B. the singular includes the plural.
- C. the male gender includes the female gender.
- D. the word "person" includes an individual, partnership, corporation, firm, company, limited liability company, limited liability partnership, association, governmental entity, trustee, receiver, assignee or other legal entity.
- E. the terms "shall" or "must" are always mandatory.

SECTION 113 SPECIFIC WORDS AND PHRASES

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ACCESS DRIVE THROAT LENGTH – That portion of an access drive in which exiting vehicles queue at a traffic control point along which there is no conflicting vehicle access point, or that portion of an access drive in which entering encounter no conflicting vehicle access points.

ACCESS ROAD – A private access way for pedestrian and/or vehicular use which connects the grid-block streets and service lanes of the Town Center Core to an adjoining public street. A sidewalk or pedestrian oriented space, alone shall not be construed as an access road.

ACCESSORY BUILDING – A detached, subordinate building, the use of which is customarily

incidental to that of the principal use and which is located on the same lot as the principal use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building, excluding prohibited outdoor furnaces as more particularly described in Section 491.

ACT - The Pennsylvania Municipalities Planning Code as amended and codified.

ADJACENT / ADJOINING / ABUTTING - The state of being contiguous. Properties separated by a street shall not be considered to be contiguous for the purposes of this definition.

ADULT USE - Any of the following, either alone or in combination with any other use.

- A. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
- B. An establishment or place of assembly to which the public is permitted or invited:
 - 1. which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
 - a. books, magazines or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas
 - b. instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
 - 2. wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
 - 3. which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 - 4. which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses.
 - 1. **Adult Bath House**: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by,

or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
 - a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual

activities or specified anatomical areas.

9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGE QUALIFIED COMMUNITY - A master planned residential development in which residency is qualified by age and other related characteristics as defined by the developer in accordance with this Ordinance and all applicable laws and regulations.

AGRICULTURE - The tilling of the soil, the raising of crops, horticulture, and/or the keeping or raising of livestock such as alpacas, birds, beaver, bees, cattle, chinchilla, cows, emus, fish, fowl, foxes, hogs, horses, lynx, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish and other similar animals for commercial distribution. This definition also includes noncommercial greenhouses and mushroom houses as well as the processing and/or retail sale of goods produced on the farm. This definition also

includes uses devoted to research into agricultural technology that would change the conduct of normal farming operations. This definition does not include concentrated animal feeding operations, concentrated animal operations, commercial produce operations and gardening, each, as defined herein.

AIRCRAFT - Any contrivance, except an un-powered hang glider or parachute, used for manned ascent into flight through the air.

AIRPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon.

- A. **Private Airport** - An airport that is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.Const.Stat. Section 5102.
- B. **Public Airport** - An airport that is either publicly or privately owned and that is open to the public as defined in 74 Pa.Const.Stat. Section 5102.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS – For the purposes of Section 510, Floodplain Zone, of this Ordinance, any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

ALTERNATIVE ENERGY PRODUCTION FACILITIES – Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar technologies.)

AMBER ALERT - A method of alerting citizens of Pennsylvania when a child has been abducted developed by the Pennsylvania State Police. The Amber Alert Plan uses the Emergency Alert System (EAS), via the code CAE – Child Abduction Emergency, to warn citizens by radio and television when a child abduction has occurred. The emergency alert contains information regarding the victim, the suspect and if applicable the suspects vehicle information. This allows the citizens and the media to assist police by getting the message out immediately and reporting sightings of the child, perpetrator, or any other associated information. Properties with dynamic message signs are required to display amber alert information in accordance with Section 322.C.34.F. of this Ordinance.

AMUSEMENT ARCADE - A commercial establishment which provides at least four (4) amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than four (4) such devices as an accessory use that can be offered at suitable locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

AMUSEMENT, THEME AND/OR ZOO PARK - A principal use designed and operated for public amusement and education that features a self contained and secure setting containing one or more of the following:

- A. Permanent amusement structures, rides, or activities;

- B. Venues for cultural, sports, entertainment and educational activities;
- C. Cages, habitats and exhibits of domestic and/or exotic animals and plants;
- D. Museums, planetariums and other similar exhibits for cultural and educational display; and,
- E. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

ANIMAL EQUIVALENCY UNIT (AEU) - A standardized measure that enables regulation of density or intensity of animal population upon an area of land. One (1) AEU is equivalent to one thousand (1,000) pounds of animal(s), including both animals customarily raised as livestock as well as animals kept as pets.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for zoning approval, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

AREA - The two-dimensional measurement of space between known lines or boundaries.

- A. **Building Area**: The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).
- B. **Gross Floor Area**: The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and ~~for~~ all areas intended for the conduct of a use. For uses without a building, all areas intended for the conduct of the use.
- C. **Habitable Floor Area**: The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.
- E. **Lot Area**: The total surfacial area contained within the property lines of a lot, exclusive of public rights-of-way, public and private streets, and excluding areas devoted to the following:
 - 1. street rights-of-way;
 - 2. ultimate rights-of-way;
 - 3. access easements serving another principal use and/or lot;
 - 4. sanitary sewer and water easements serving another principal use and/or lot;
 - 5. gas pipeline easements and/or rights-of-way;
 - 6. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater; and,

7. storm water management facilities, pipes and/or swales (including all easements related thereto) intended to serve another principal use and/or lot.

In addition to the minimum lot area requirements stated above, each new principal use within the SMC, A, OSR, R-1 and E Zones, (except uses of Township agencies and authorities and conservation design developments) shall be required to provide for at least one (1) acre that is free of the following features:

8. riparian buffers as regulated in Section 511 of this Ordinance;
9. permanent and open bodies of water;
10. the Floodplain Zone as delineated under the terms of Section 510.C. of this Ordinance;
11. wetlands as delineated under the terms of Section 512.C. of this Ordinance;
12. areas that are identified by the PNDI as being necessary for the protection of species of concern as regulated by Section 514 of this Ordinance; and/or,
13. existing natural slopes of 25% or greater.

F. Minimum Lot Area - The least amount of land area required to be ~~to be~~ associated with a principal use as specified within this Zoning Ordinance.

G. Retail Sales Area: The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

AREA OF DISTURBANCE - The total land area proposed to be used for and/or within any, and all, of the following:

- A. Except as may be modified by subsection C. below, any area within the lot proposed for development that is within fifteen (15) feet of any or all of the following existing or proposed features:
 1. A principal building or structure (except as provided in Subsection 3. below);
 2. Accessory structures or uses existing or proposed at the time of development of the principal building or structure; and
 3. An accessory structure of more than five hundred (500) square feet of lot coverage.
- B. Any areas within the lot proposed for development that are within ten (10) feet of any existing or proposed gravel or paved areas, including gravel or paved driveways;
- C. Any areas within the lot proposed for development that are within forty (40) feet of the rear of the principal building; and
- D. Any areas proposed to be graded, cleared or otherwise altered (except as related to the tilling of soil for farming and gardening purposes) that are five hundred (500) square feet or greater in size.

ARTERIAL ROAD – A road that is designed to provide for greater vehicle mobility than vehicular access to adjoining property. See Section 320 for a listing of arterial roads.

ATTIC - That part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AUCTION HOUSE – A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

AUTOMOBILE AUCTION - A use whereby passenger vehicles are offered for wholesale and/or retail sales at prearranged sales during a competitive bidding process.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE PARKING COMPOUND - See definition of “Parking Compound.”

AUTOMOBILE PARTS STORE - Any building devoted to the retail sales of components of motor vehicles to be installed elsewhere. This use shall not include any sales of fuel or service and repair facilities.

AUTOMOBILE SALES - Any building or land devoted to the retail sales, leasing and/or rental of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

AUTOMOBILE SERVICE AND REPAIR - The retail repair, servicing, maintenance and reconstruction of passenger vehicles, provided that the washing of passenger vehicles as a principal use is excluded from this definition (See “car wash”).

AUTOMOBILE STORAGE YARDS - A use whereby passenger vehicles are stored awaiting transport to a different location.

AVOIDANCE MEASURES – Specific actions that have been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that must be fulfilled by an applicant in order to inflict no impact upon a special concern species or resource in the vicinity of the project area.

BANKS AND SIMILAR FINANCIAL INSTITUTIONS – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency and wealth. This use shall expressly include uses commonly known as banks, credit unions, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

BASE FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

BASE FLOOD ELEVATION - The water surface elevations of the 100-year flood.

BASEMENT – A space with less than half of its floor-to-ceiling height above the average finished grade of the adjoining ground and with a floor-to-ceiling height of greater than six and one-half (6½) feet; however, for the purposes of Section 510 of this Ordinance basement shall include any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST - A single-family detached dwelling, where between one and five sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two weeks. Breakfast may be offered only to registered overnight guests.

BEEKEEPING - The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

BILLBOARD - An off-premise sign which directs attention to a product, service, business, or cause.

BOARD OF SUPERVISORS – The governing body of Upper Saucon Township, Lehigh County, Pennsylvania.

BOARDER - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and who also may be furnished meals or other domestic services in return for compensation.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, for four (4) but not more than ten (10) boarders. This term includes single-room occupancy residences (SROs), tourist homes and rooming houses. Boarding houses must include a full-time on-site resident manager who is not a boarder on the site.

BUFFER – An area that is used to separate and minimize impacts between adjoining land uses.

BUGGY – A carriage drawn by a horse that is commonly used by plain sects as a mode of transport and travel.

BUILDING - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

- A. Detached: A building which has no party wall.
- B. Semi-detached: A building which has only one party wall in common.
- C. Attached: A building which has two or more party walls in common.

BUILDING AREA - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (e.g., top view).

BUILDING ENVELOPE - The area of a lot that is available for development.

BUILDING HEIGHT - A building's vertical measurement from the mean level of the ground abutting the building as measured at its corners to the highest point of the roof. Section 309 of this Ordinance provides for exceptions to maximum permitted height requirements.

BUILDING LENGTH – The longest horizontal measurement of a building.

BUILDING SETBACK LINE - The actual distance between the closest part of a building including roof overhangs (excluding those permitted projections listed in Section 319 of this Ordinance) and:

- A. in the case of a front yard, all adjoining street right-of-way lines;
- B. in the case of a side yard, all side lot lines; and,
- C. in the case of a rear yard, all rear lot lines.

BUILDING PERMIT – Permits issued under the Uniform Construction Code (Permits issued under this Zoning Ordinance are “zoning permits”).

CAMPGROUND - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by guests, travelers and/or transients in recreational vehicles, cabins, travel trailers or tents.

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle, cabin, tent or travel trailer.

CANDELA - The standard industrial unit of luminous intensity. One candela is one lumen per steradian (lm/sr).

CANDLEPOWER - Luminous intensity expressed in candelas.

CARPORT – A roofed structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of motor vehicles.

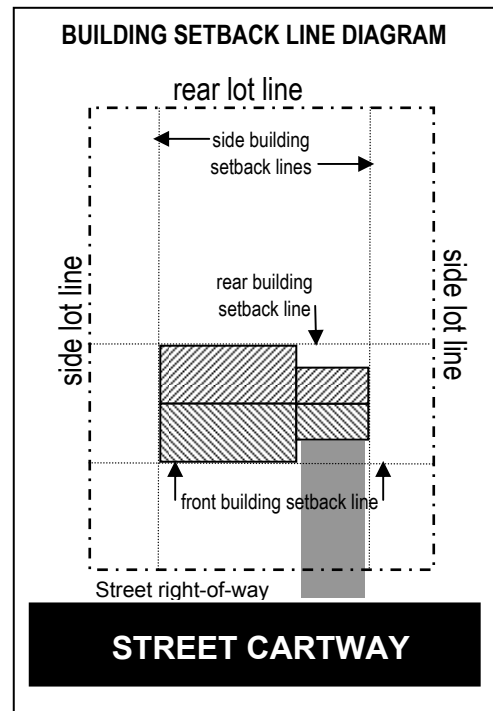
CARRIAGE & BUGGY HORSE – An animal kept accessory to a principal residence whose occupants rely upon as a primary mode of transport and travel.

CARTWAY - The paved surface of a street intended and available for use by vehicular traffic.

CAR WASH – A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full service operations.

CASINOS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

CATERERS, BAKERS AND CONFECTIONERS – A retail commercial use devoted to the preparation, packaging and/or delivery of prepared foods for consumption at another location.



This use shall also expressly include the retail sales of those goods produced on the site; however, no seating for on site consumption shall be permitted.

CELLAR - A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet. Within a dwelling unit, a cellar shall not be counted as floor area.

CEMETERY – Lands and/or facilities used, or intended to be used, for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall also include facilities for the burial of domestic pets.

CERTIFICATE OF OCCUPANCY - A permit issued by the Township verify compliance with the Uniform Construction Code.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - That water that is flowing within the limits of a defined channel.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries and church-related recreation, educational and/or day-care facilities and orphanages.

CLINIC, MEDICAL, DENTAL, VISION, OR COUNSELING - A building or group of buildings occupied by medical and/or other licensed practitioners and related services for the purpose of providing health, emergency medical, wellness, dietary, social, behavioral, therapeutic, occupational and psychological services to outpatients.

COLLECTOR ROAD – A road that is designed to provide for a balance of vehicle mobility and vehicular access to adjoining property. See Section 320 for a listing of collector roads.

CO-LOCATED COMMUNICATION ANTENNAS - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device

COMMERCIAL DAY CARE – A principal use offering care or supervision of more than four (4) minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania. (See also “Family Day Care”.)

COMMERCIAL PRODUCE OPERATION - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums. This does **not** include adult-related uses, shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting and/or casinos unless such use are specifically approved under their respective terms of this Ordinance.

COMMERCIAL SCHOOL – See “School, Commercial”

COMMERCIAL TRUCK – A motor vehicle that is associated with a business and/or exceeds the limitations of a “personal motor vehicle” as defined herein.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, required setbacks and/or private yards contained on an individual lot of a principal residence. Typically storm water management facilities shall not be counted as common open spaces unless, with Township approval, such facilities are designed and constructed as wet ponds or shallow basins that incorporate natural features, landscaping, recreational uses or other, similar qualities. With Township approval, common open space can include golf courses and parklands subject to the requirements of Section 427.E. or Section 214.I. of this Ordinance.

COMMON PARKING AREA - A parking facility serving multiple uses or properties.

COMMON WALL - A wall separating two units of occupancy.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omni-directional (or whip) antennas and directional (or panel) antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include residential satellite dishes, television antennas, or antennae for amateur radio equipment.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

COMMUNICATIONS TOWER - A freestanding structure designed and used solely to support communications antennae.

COMMUNITY CENTER - A building or portion of a building used as a gathering place by local residents and/or the general public.

COMMUNITY SEWAGE DISPOSAL SYSTEM - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by Upper Saucon Township, the Upper Saucon Sewage Treatment Authority and/or the Upper Saucon Township Municipal Authority. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection and be in accordance with the Township Act 537 Plan (Official Sewage Plan).

COMMUNITY WATER SYSTEM - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is not owned and/or operated by Upper Saucon Township and/ or the Upper Saucon Township Municipal Authority, including their successors.

COMPOSTING - The conversion of organic matter, such as yard waste, into fertilizer.

COMPREHENSIVE PLAN - The latest adopted version of the Upper Saucon Township Comprehensive Plan, including any freestanding supplemental documents, as may be amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - An agricultural use regulated by

the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the three criteria found on the chart under the following definition:

CONCENTRATED ANIMAL OPERATION (CAO) - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Criteria 1 found on the following chart, which may be amended.

Three Criteria to Determine CAFO Uses	
Criteria 1	
The proposed agricultural operation exceeds any of the following animal type thresholds:	
<ul style="list-style-type: none"> • 700 mature dairy cows; • 1,000 veal calves; • 1,000 cattle including but not limited to heifers, steers, bulls and cow-calf pairs; • 2,500 swine of 55 lbs. or more; • 10,000 swine under 55 lbs.; • 500 horses; • 10,000 sheep or lambs; • 55,000 turkeys; • 30,000 layers or broiler chickens using a liquid manure handling system; • 125,000 broiler chickens not using a liquid manure handling system; • 82,000 layer chickens not using a liquid manure handling system; • 30,000 ducks not using a liquid manure handling system; and/or, • 5,000 ducks using a liquid manure handling system. 	
Criteria 2	
Any agricultural operation that exceeding 1 million pounds of live weight of livestock or poultry.	
Criteria 3	
Any agricultural operation that is a Concentrated Animal Operation (as defined above) that includes more than 300,000 pounds of live weight of livestock or poultry.	

CONDITIONAL USE - A use that is appropriate to a particular zone in accordance with Section 905 of this Ordinance.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION EASEMENT – A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually limit its use.

CONSERVATION DESIGN DEVELOPMENT - A development that integrates required common open space and residential dwellings. Conservation design developments are further regulated by Section 427 of this Ordinance.

CONSERVATION MEASURE – A specific action that has been identified by one of the Pennsylvania Natural Diversity Inventory (PNDI) jurisdictional agencies that can minimize impact upon a special concern species or resource in the vicinity of the project area.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at a minimum, describes and outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSISTENCY - An agreement or correspondence between matters being compared, which denotes a reasonable, rational, or similar connection or relationship.

CONSTRUCTION - The placement of materials and equipment in a defined area to assemble, build, apply, and/or demolish in a temporary or permanent manner, as approved by the designated officials of the Township.

CONSTRUCTION SITE - The total necessary land area required for all buildings or uses within a development.

CONVENTION AND/OR CONFERENCE CENTER – A principal use that is designed to offer accommodations that are integrated in form and function to visitors and groups of attendees for the purposes of education, training, trade shows, exhibits, presentations, and other similar activities.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Although this use is permitted by right within the Commercial Zone, some of the permitted activities, as noted below, require the approval of a special exception or conditional use if they are conducted as part of the convenience store:

- A. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited;
- B. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 430 of this Ordinance, and provided that rest rooms are made available to the public;
- C. Amusement arcades, subject to the requirements of Section 405 of this Ordinance;
- D. Automatic bank teller machines;
- E. Photomats and film development drop-off sites;
- F. Laundry, dry cleaning and tailoring drop-off sites;
- G. Lottery sales counters and machines;
- H. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
- I. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Section 410 of this Ordinance;
- J. Car washes, subject to the requirements of 418 of this Ordinance; and,
- K. Post offices and other parcel delivery drop-off sites.

CONVERSION - To change or adapt improved property to a use, occupancy, or purpose other than what existed on the effective date of this Ordinance.

COUNTY - The County of Lehigh, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Lehigh Valley Planning Commission.

CRT – Cathode ray tube.

CULTURAL FACILITIES – A use conducted indoors devoted to the development and personal acquaintance with fine arts, humanities and broad aspects of science.

CURATIVE AMENDMENT - A proposed zoning amendment:

- A. requested of the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or the development of land in which the landowner or applicant has an interest; or,
- B. initiated by the Board of Supervisors to cure a substantial defect.

CUTOFF ANGLE (OF A FIXTURE) - The angle, measured up from the horizon, between the vertical axis and the first line of sight at which the bare source is not visible.

CUTOFF FIXTURE – A fixture that distributes light not exceeding (2.5%) at an angle of 90 degrees above the horizon, and (10%) at a vertical angle of 80 degrees above the horizon.

DANCE, MUSIC, ART, FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY – A principal use devoted to the:

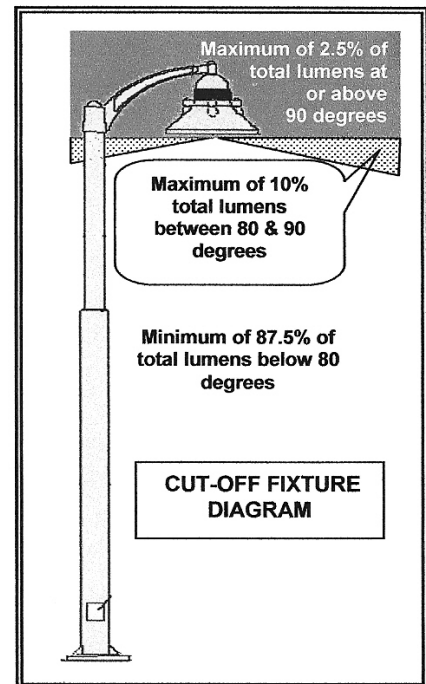
- A. training and performance of dance and music;
- B. development, display, and sales of individual works of art and/or photography; and,
- C. design, development, display and sales of custom articles of clothing.

DAY-CARE – (See “Commercial Day Care” and “Family Day Care.”)

DENSITY - A term used to express the allowable number of dwelling units per acre of land exclusive of public rights-of-way, and public and private streets. In particular instances, this Ordinance also excludes other designated features (e.g. natural and cultural features) from the permitted density calculation.

DEVELOPMENT – For the purposes of Section 510 of this Ordinance (Floodplain Zone), any manmade 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.

DEVELOPMENT SITE - The area encompassing a permit application or a land development and any public improvements or common amenities related thereto, whether or not located on an applicant's property. The development site includes all areas of disturbance and areas of impact anticipated by, or expected to result from, the land development and the construction of the public improvements and common amenities. For the purpose of conservation design under Section 427, the development site shall include, in addition to the areas noted above, the entire property which is the subject of the application, including, but not limited to, areas of open space.



DOMESTIC COMPOST – An accessory use that converts organic waste of the residents (excluding sewage) on-site, such as yard waste, into fertilizer.

DOMESTIC PETS - The noncommercial keeping of no more than four (4) adult non-farm animals that are locally available for purchase as pets, as an accessory use to a primary residential use. Domestic pets shall not include any species identified as "exotic animals" and "livestock," both as defined herein nor any animal species that, in the determination of the Zoning Officer, poses a threat to the health, safety and/or welfare of the community.

DOMESTIC TOOLS – Electric and/or liquid fuel powered devices that assist in the maintenance and repair of personal property and one's residence (e.g. power tools, lawn mowers, chain saws, snow blowers, generators, compressors, power washers and etc.)

DRIPLINE – The outside edge of the area located directly beneath the canopy of a plant upon which rain is intercepted before it falls to the ground.

DRIVE-THROUGH FACILITY - Any portion of a building or structure from which business may be transacted with a customer in a motor vehicle.

DRIVE-THRU AND/OR FAST-FOOD RESTAURANT - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DRIVING RANGE - An accessory or principal use devoted to the practice of driving golf balls.

DRY CLEANERS AND LAUNDROMATS – A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutional uses.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, nursing homes, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly, due to frost action. In addition, all dwellings shall be properly connected to approved and permanently-designed sewer, water, electrical, and other utility systems.

- A. **Single-Family Detached:** A freestanding building containing one dwelling unit for one family. Manufactured homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the manufactured home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Manufactured and modular homes shall be considered single-family detached dwellings so long as they are designed and constructed in

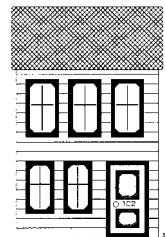


Figure 1

accordance with the Uniform Construction Code. (Figure 1)

- B. **Duplex:** (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration.
- C. **Multiple Family:** A building containing three or more dwelling units, at least one of which must be located above or below the remaining units. (Figure 4)
- D. **Quadraplex:** A building containing four dwelling units that each have independent means of outside access and are located on and extend from ground to roof that are not arranged in a side-by-side layout.
- E. **Townhouse:** A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common walls. (Figure 5)

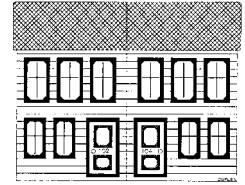


Figure 2

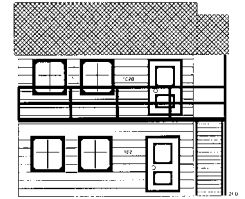


Figure 3

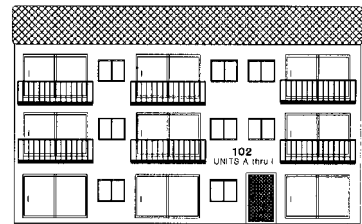


Figure 4

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

DYNAMIC MESSAGE DISPLAY - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. For the purposes of this Ordinance this definition shall not include the tilling of the soils and cultivation associated with the growing of crops.



Figure 5

ECHO HOUSING (ELDERLY COTTAGE HOUSING OPPORTUNITY) - A temporary dwelling unit placed on a property with another single family detached dwelling for occupancy by either an elderly, handicapped, or disabled person(s) related by blood, marriage, or adoption, to the occupants of the principal dwelling, or their care-giving family members.

ELEVATION - The average ground level at all corners of a structure, storage area, sign or other improvement.

EMERGENCY SERVICES - An organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

EMERGENCY SERVICES VENTURES - An accessory use to an emergency service that

involves the conduct of limited fund-raising activities and other activities to assist in service to the community. These uses can only be conducted as temporary or special events. The types of uses and activities permitted have not been specifically listed so that creativity and innovation can lead to better fund-raising potential.

EMISSIONS RELEASE POINT – That location where an exhaust chimney of an outdoor furnace permits the unrestricted flow of exhaust into the environment.

ENTERTAINMENT FACILITIES – A use conducted indoors that offers personal amusement and/or enjoyment through mental engagement. This definition does not include adult uses, amusement arcades, casinos, off-track betting parlors, wagering, or shooting ranges.

EXOTIC ANIMALS - All bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves or similar species and any crossbreed of these animals which have similar characteristics in appearance or features that pose potential danger to residents or naturally occurring wildlife within the Township. The definition is applicable whether or not such animals were bred or reared in captivity or imported from another state or nation.

FAMILY - Any one of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- C. Not more than two (2) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a “family.”

FAMILY DAY CARE – An accessory use to a detached single-family dwelling principal use offering care or supervision to no more than four different persons during any calendar day for a period not to exceed 18 continuous hours that is registered by the Commonwealth of Pennsylvania. The limit on the number children shall not be applied to children who reside on the property. (See also “Commercial Day Care”.)

FARM - A parcel of land that is used for one (1) or more agricultural operations, including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

FARM OCCUPATION - A business or commercial activity that is conducted as an accessory use to a principal agricultural or horticultural use.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers

and/or flea markets can include indoor and outdoor display of merchandise.

FCC – The Federal Communications Commission of the United States of America.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - Bank, credit union, savings and loan association, savings bank, investment company, philanthropic foundation, or the office of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

FISH HATCHERIES – A principal use devoted to the raising of fish for wholesale distribution and/or wholesale public release.

FIXTURE - A complete lighting unit consisting of one or more lamps (light sources) together with the parts designed to control the light distribution, and other mechanical and electrical components.

500-YEAR FLOOD - A flood that, on the average, is likely to occur once every 500 years.

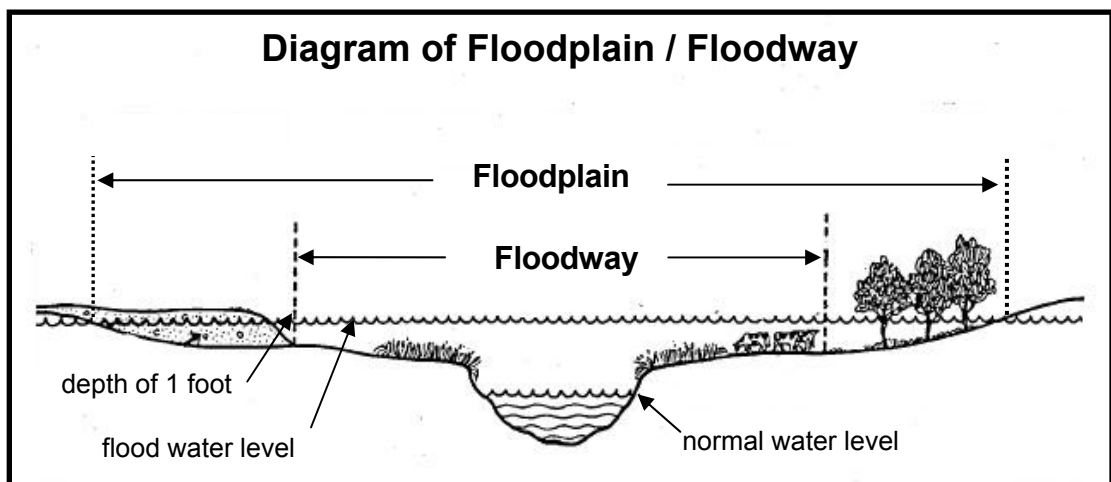
FLAG LOT – A lot permitted under specific requirements of this Ordinance whose lot width at its frontage is less than that required at the building setback line.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOD OF RECORD - The flood which has reached the highest flood elevation above mean sea level at a particular location.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse below the flood



elevation (as defined herein) which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FOOTCANDLE – A measure of intensity of light stated in lumens per square foot.

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

FORESTRY OPERATOR – An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

FOREST STEWARDSHIP PLAN – A written strategy approved by the PA DCNR, Bureau of Forestry, for the long term care and maintenance of a property, or portion thereof, upon which a timber harvest is to occur.

FREESTANDING COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT – See “Communications Antennas,” “Communications Towers” and “Communications Equipment.”

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street.

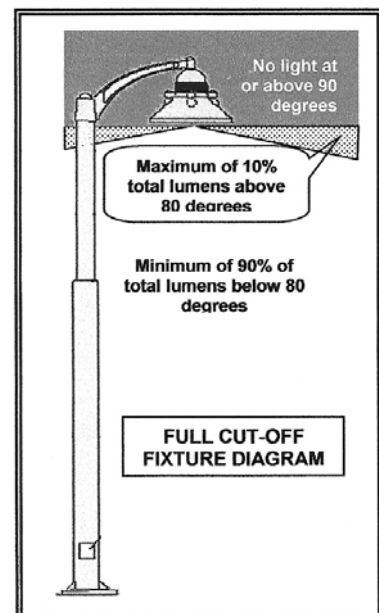
FULL CUTOFF FIXTURE/FIXTURE - A fixture that distributes no light at, or above an angle of 90 degrees above the horizon, and ten percent (10%) at a vertical angle of 80 degrees above the horizon.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. a funeral chapel or similar gathering place;
- B. embalming and the performance of other services used in preparation of the dead for burial;
- C. cremation of human remains;
- D. the performance of autopsies and other surgical procedures;
- E. the storage of caskets, urns, and other related supplies; and
- F. the storage of funeral vehicles.

GARAGE, MOVING AND YARD SALE – An occasional and temporary use of a residential lot, wherein the occupants of the said lot display and offer personal possessions for sale to the general public.

GARAGE, PRIVATE - An accessory building for the storage



of one (1) or more motor vehicles and/or other vehicles all of which must be accessory and incidental to the primary use of the residential premises, except as noted in Section 314.X. of this Ordinance.

GARDENING – The growing of plants for personal use as an accessory use upon a residential site, or the growing of plants for personal use upon assigned plots located away from the residential site.

GLARE - The sensation produced by lighting that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.

GOLF COURSE - A golf course with a minimum of 2000 yards of play in nine (9) holes.

GOLF COURSE DRIVING RANGE - An accessory use to a golf course devoted to the practice of driving golf balls.

GOLF COURSE, MINIATURE – A commercial recreational use based upon golf that requires only a putter and is typically, but not necessarily, lit for night play.

GOVERNING BODY - The Board of Supervisors of Upper Saucon Township, Lehigh County, Pennsylvania.

GOVERNMENTAL USE – A use that is operated by a duly recognized level of government (local, State and Federal) provided however, that such use shall not include solid waste disposal and/or handling facilities, prisons, and/or hospitals.

GRADE – A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

GRID-BLOCK STREETS – A private access way for pedestrian and/or vehicular use within the Town Center Core that is generally arranged in a series of interconnecting parallel and perpendicular alignments. A sidewalk, alone shall not be construed as a grid-block street.

GROUP HOME – See the definition of “family” and “dwelling.”

HAZARDOUS MATERIAL – For the purposes of Section 510 of this Ordinance “hazardous materials include substances that have the potential to damage health or impair safety. Hazardous substances include, but are not limited to, inorganic mineral acids, sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers.

For all other Sections of this Ordinance hazardous materials shall include solid, liquid, or gaseous materials that exhibit characteristics of being dangerous to human health or the environment as regulated by 49 CFR parts 171-180, is considered dangerous by such laws as Resource Conservation and Reclamation Act (RCRA) (42 U.S.C. s/s 6901 et seq. [1976]), Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)(42 U.S.C. s/s 9601 et seq. [1980]), Superfund Act Reauthorization Act (SARA) (42 U.S.C.9601 et seq. [1986]), or recognized by the National Institutes of Health (NIH) and National Institute for Occupational Safety and Health (NIOSH).

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant, or air pollution facility and other

discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- A. Cause or contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEADQUARTERS – A principal use serving as its primary function as the administrative center of an enterprise, and involving only limited contact with the general public.

HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS – A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, casinos, golf courses, off-track betting parlors or shooting ranges, all as defined herein.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks in excess of 11,000 pounds gross vehicle weight, cargo and storage containers, cargo trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEAVY INDUSTRIAL USE – A principal use that involves:

- A. the production and processing of asphalt and asphalt products, bricks, cement and cement blocks, tar and other synthetic paving and masonry-like materials;
- B. the production and processing of chemicals, dyes, solvents, fertilizers, ammonia, carbide, caustic soda, cellulose, chlorine, creosote, hydrogen, oxygen, alcohol, nitrates, potash, plastic and synthetic resins, pyroxylin, rayon, and hydrochloric, nitrate, picric and sulfuric acids;
- C. the production and processing of matches, fuels and explosives, including but not limited to, gasoline, kerosene, ethanol, coal, naphtha, natural gas, oil (natural and synthetic), and other similar materials;
- D. the production and processing of gelatin, glue, soap, starch and other animal by-products not associated with food processing;
- E. the production and processing of linoleum, oil cloth, paint, varnish, turpentine, vinyl, rubber (natural and synthetic) and other similar materials;
- F. the production and processing of glass and glass products;
- G. a metal foundry, reduction, refinishing, smelting, alloying and refining operation;
- H. the production and/or assembly of passenger vehicles and heavy equipment and manufactured homes; and,
- I. an operation of assembly, conversion, distribution, manufacture, production, processing, storage, warehousing and/or wholesaling of goods, materials and products not listed in Section 230.B., Section 230.C., Sections 230.D.1. through 230.D.6., and

Sections 230.D.8. through 230.D.18. of this Ordinance.

HELICOPTER PAD (PRIVATE) – A heliport conducted as an accessory use where no more than one helicopter may land/take-off and be stored.

HELIPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of helicopter aircraft and any appurtenant areas which are used, or intended to be used, for heliport buildings or navigation facilities or rights of way, together with all heliport buildings and facilities thereon.

HISTORIC STRUCTURE – Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in states without approved programs.

HISTORIC STRUCTURE CONVERSION – The change or adaptation of an historic structure for use and occupancy other than what existed on the effective date of this Ordinance.

HOME IMPROVEMENT AND BUILDING SUPPLY STORE - A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOME OCCUPATION - A business or commercial activity that is conducted as an accessory use in a detached dwelling unit, except that any use that adheres to the definition of “no-impact home-based business”, as defined herein, is permitted by right in any dwelling unit within the SMC, A, OSR, R-1, R-2, and R-3 Zones.

HORTICULTURE – The cultivation of fruits, vegetables, flowers, and ornamental plants for commercial distribution.

HOSPITAL AND RELATED USES - An institution, licensed in the Commonwealth of Pennsylvania, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided

that all accessory uses are contained upon the hospital property.

HOTEL, MOTEL OR SIMILAR LODGING FACILITIES - A building or group of buildings containing rooms for rental on a daily or weekly basis. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels, motels and similar lodging facilities may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services. Hotels are a building or group of buildings containing rooms for rental on a temporary basis whose primary access is limited through a lobby. Motels are a building or group of buildings containing rooms for rental on a temporary basis whose primary access occurs at each respective unit.

HOTEL AND RELATED USES - A building or group of buildings containing rooms for rental on a daily or weekly basis whose primary access is limited through a lobby. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “hotel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels and related uses may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services, provided (with the exception of outdoor athletic courts and passive recreation features) such uses are contained entirely within the hotel building.

HOUSEHOLD HAZARDOUS WASTES - Those wastes in households that are hazardous in nature, but are not regulated as hazardous waste, under Federal and State laws. Included are such items as old paints and paint related products, pesticides, pool chemicals, drain cleaners, and degreasers, car care products and etc.

IESNA – Illuminating Engineers Society of North America.

ILLUMINANCE - The quantity of light per unit area, measured with a light meter in footcandles.

IMPERVIOUS SURFACE – A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. These typically include but are not limited to roads, access drives, interior drives, driveways, buildings, structures, sidewalks, off-street parking spaces, off-street loading spaces and paved recreation courts.

IMPROVEMENT - Any structure, including but not limited to the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, signs, traffic control devices, and monuments. This definition shall expressly exclude the tilling of soil.

INDIVIDUAL LOT GRADING PLAN (ILGP) – A report and drawing that is prepared by a professional registered engineer, landscape architect or professional land surveyor in accordance with Section 308 of this Ordinance.

INTEGRATED FAMILY DWELLING UNITS - An accessory living area that is completely integrated within a principal single family detached dwelling unit for occupancy by either an elderly, handicapped, or disabled person(s) related by blood, marriage, or adoption, to the occupants of the principal dwelling, or their care-giving family members

INTERIOR DRIVE - Any on-site vehicular movement lane(s) other than an access drive that are associated with a use other than a single-family dwelling and/or farm.

INTERIOR LANDSCAPE ISLAND – An area within an off-street parking lot that is designed to accommodate vegetative material that offers local thermal reduction and helps to mark vehicle travel lanes. For an island to be considered to be an interior landscape island it must directly adjoin at least two off-street parking spaces on two separate sides of the landscape island.

INVASIVE PLANT SPECIES OF PENNSYLVANIA - Plants that displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

Trees:

Acer platanoides, commonly known as Norway Maple
Acer pseudoplatanus commonly known as Sycamore Maple
Allanthus altissima commonly known as Tree-of-Heaven
Elaeagnus angustifolia commonly known as Russian Olive
Koeleria paniculata commonly known as Golden-rain Tree
Paulownia tomentosa, commonly known as Princess Tree
Populus Alba commonly known as White Poplar
Pyrus calleryana (and all cultivars, commonly known as Callery Pear
Ulmus pumila commonly known as Siberian Elm
Viburnum lantana commonly known as Wayfaring Tree

Shrubs and Vines:

Akebia Quintana, commonly known as Fiveleaf akebia
Alnus glutinosa, commonly known as European Black Alder
Ampelopsis brevipedunculata, commonly known as Porcelain berry
Berberis vulgaris, commonly known as European Barberry
Berberis thunbergii, commonly known as Japanese Barberry
Celastrus orbiculatus, commonly known as Oriental bittersweet
Elaeagnus angustifolia, commonly known as Russian Olive
Elaeagnus umbellata, commonly known as Autumn Olive
Euonymus alatus, commonly known as Winged Euonymus
Ligustrum obtusifolium, commonly known as Border Privet
Ligustrum vulgare, commonly known as Common Privet
Ligustrum vulgare, commonly known as European Privet
Lonicera japonica, commonly known as Japanese Honeysuckle
Lonicera maackii, commonly known as Amur Honeysuckle
Lonicera morrowii, commonly known as Morrow's Honeysuckle
Lonicera morrowii tatarica, commonly known as Bell's Honeysuckle
Lonicera standishii, commonly known as Standish Honeysuckle
Lonicera tatarica, commonly known as Tartarian Honeysuckle
Lonicera x-bella, commonly known as Hybrid Honeysuckle
Lythrum salicaria, commonly known as Purple Loosestrife (herbaceous)
Morus alba, commonly known as White Mulberry
Morus rubra, commonly known as Red Mulberry
Phyllostachys, commonly known as aubea Bamboo
Polygonum perfoliatum, commonly known as Mile-a-minute weed
Pueraria lobata, commonly known as Kudzu
Rhamnus cathartica, commonly known as Common Buckthorn
Rhamnus frangula, commonly known as Glossy Buckthorn

Rubus phoenicolasius, commonly known as Wineberry
Rosa multiflora, commonly known as Multiflora Rose
Spiraea japonica, commonly known as Japanese spiraea
Viburnum opulus, commonly known as European Highbush Cranberry
Viburnum opulus var. opulus, commonly known as Guelder rose
Vinca minor, commonly known as periwinkle

Forbs and Grasses:

Aegopodium podagraria, commonly known as Goutweed
Alliaria petiolata, commonly known as Garlic mustard
Bromus tectorum, commonly known as Cheatgrass
Centaurea maculosa (syn. C. biebersteinii), commonly known as Spotted knapweed
Chelidonium majus, commonly known as Greater celandine
Cirsium arvense, commonly known as Canada thistle
Conium maculatum, commonly known as Poison hemlock
Coronilla varia, commonly known as Crown vetch
Epilobium hirsutum, commonly known as Hairy willow herb
Festuca elatior, commonly known as Tall fescue
Hedera helix, commonly known as English ivy
Hemerocallis fulva, commonly known as Orange day-lily
Heracleum mantegazzianum, commonly known as Giant hogweed
Hesperis matronalis, commonly known as Dame's rocket
Lythrum salicaria, L. virgatum, commonly known as Purple loosestrife
Microstegium vimineum, commonly known as Japanese stilt grass
Ornithogalum nutans, O. umbellatum, commonly known as Star-of-Bethlehem
Pastinaca sativa, commonly known as Wild parsnip
Perilla frutescens, commonly known as Beefsteak plant
Phalaris arundinacea, commonly known as Reed canary grass
Phragmites australis ssp. australis, commonly known as Common reed
Polygonum cuspidatum, P. sachalinense, commonly known as Japanese knotweed
Ranunculus ficaria, commonly known as Lesser celandine
Typha angustifolia, commonly known as Narrow-leaved cattail
T. x glauca (T. ang. x T. latifolia), commonly known as Hybrid cattail

Aquatics:

Myriophyllum spicatum, commonly known as Eurasian water milfoil
Potamogeton crispus, commonly known as Curly pondweed
Trapa natans, commonly known as Water Chestnut

ISA – International Society of Arboriculture.

ISO – Insurance Services Office

JOINT PARKING LOT – A parking lot that is designed, constructed and operated on a shared basis by two or more adjoining uses with one or more shared access drives.

JOINT-USE DRIVEWAY - An improved cartway designed and constructed to provide for vehicular movement between a road and up to four (4) properties, each of which contain a single dwelling unit.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - Any area of land, whether or not operated as a business, with or without

buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The term, "junkyard," does not include scrap metal processing operations and automobile shredding establishments. The deposit or storage on a lot of one or more wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate.)

KENNEL - Any lot on which non-farm animals are kept, boarded, raised, bred, treated, or trained for commercial purposes or a fee, including but not limited to dog or cat kennels. This definition shall also expressly include animal rescue and similar emergency treatment facilities whether or not they are operated on a commercial basis.

LABORATORY – A use devoted to the conduct of experiments, research and observation associated with scientific study.

LAMP - A man-made source of light.

LAND DEVELOPMENT – As defined within the latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

LANDING – The place where logs, pulpwood, or firewood are assembled for transport to processing facilities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE SCREEN - A planting of noninvasive species arranged to form both a low-level and a high-level barrier between grade and to a height of six (6) feet. This definition can also include the use of an earthen berm provided such berm is covered with noninvasive vegetative materials that stabilize its slopes and form both a low-level and a high-level screen between grade and to a height of six feet (6').

LANDSCAPE STRIP – An area generally located at the periphery of a land development site that is devoted to the planting of noninvasive species and shade trees.

LAUNDROMAT – A principal retail use at which patrons can perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles.

LAUNDRY PLANT – A non-retail principal use at which clothing and/or other fabric items are cleaned dried and/or pressed.

LCCD – Lehigh County Conservation District.

LCD – Liquid crystal display.

LED – Light emitting diode.

LIGHT - Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers.

LIGHT TRESPASS - A normal perception of undesirable illumination including the following examples:

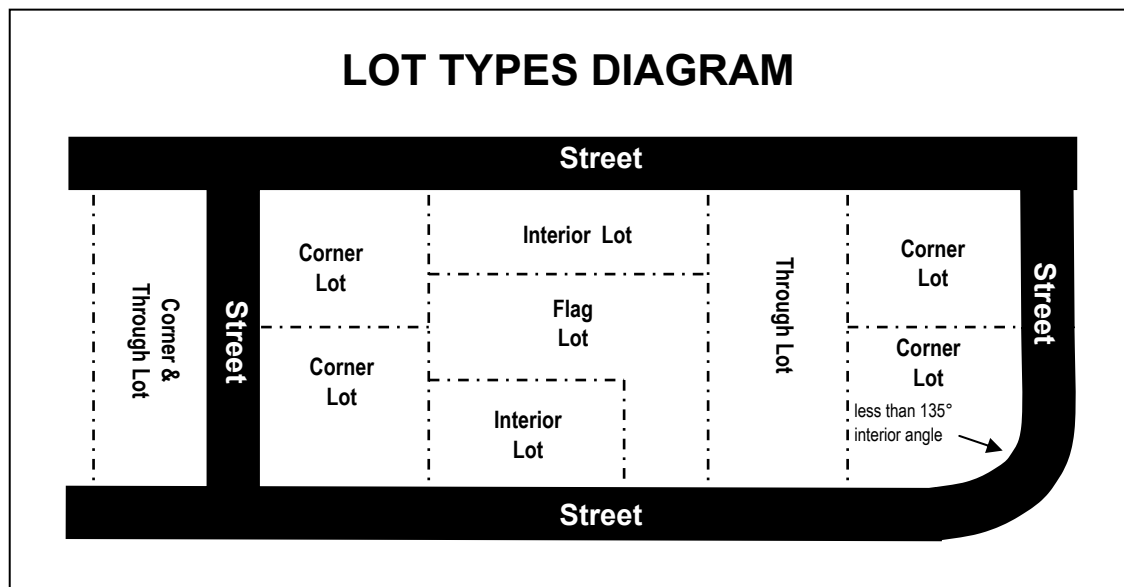
- A. The classic "light shining in a window;"
- B. Unwanted light on an adjacent property; and,
- C. Excessive brightness in the normal field of vision (nuisance glare)

LIVESTOCK – An animal typically bred and raised associated with some form of agriculture. This term shall expressly include alpacas, birds, beaver, bees, burrows, cattle, chinchilla, cows, donkeys, emus, fish, fowl, foxes, goats, hogs, horses, lynx, mules, sable, sheep, goats, llamas, mink, ostriches, peacocks, pot-belly pigs, poultry, rabbits, raccoons, seal, shellfish, swine, and other similar animals for commercial distribution.

LOADING SPACE – See "Off-Street Loading Space".

LOP – The process of cutting treetops and slash into smaller pieces to allow material to settle close to the ground.

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 and that is not divided by a street.



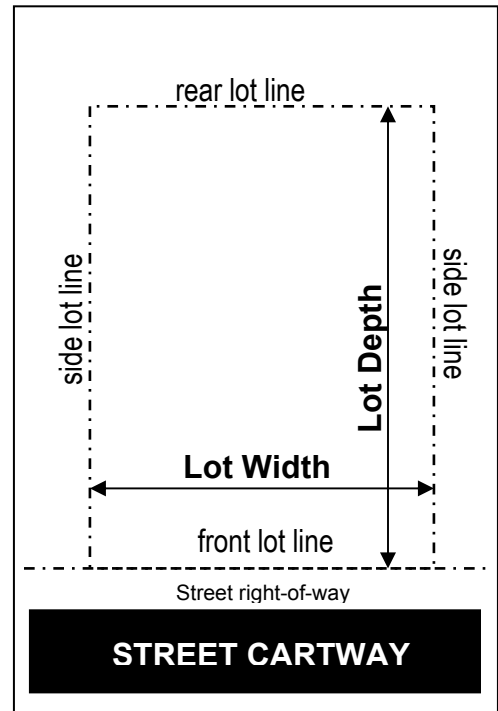
- A. Lot, Corner: A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.
- B. Lot, Flag: A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.
- C. Lot, Interior: A lot with only one (1) street frontage.
- D. Lot, Through / Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

LOT COVERAGE - A percentage of the lot area that may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight streets rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

- A. **Lot Line, Front:** The lot line coincident with the right-of-way line of a street.
- B. **Lot Line, Rear:** Lot lines that are formed at the outermost edge of any rear yard as defined herein.
- C. **Lot Line, Side:** Lot lines that are formed at the outermost edge of any side yard as defined herein.



LOT WIDTH – The horizontal distance measured between side property lines along the minimum front yard setback line and at the street right-of-way line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line along the minimum front yard setback line and at the street right-of-way line along the street of address. In the case of flag lots, only where specifically permitted within this Ordinance, lot width shall be the horizontal distance measured between side property lines along the front yard building setback line, as defined herein.

LUMEN - The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

LUMINANCE - The emitted or reflected light from a surface; its perceived brightness. The unit of luminance is the candela per square meter (cd/m²).

LUMINOUS INTENSITY - The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr).

MACHINE, TOOL AND DIE AND METAL FABRICATION SHOPS – A principal use devoted to the shaping, forming and finishing of metals into finished products or parts used in other industrial production and/or assembly.

MAN-MADE LAKES, DAMS AND IMPOUNDMENTS - Any area designed and improved for the collection, storage and/or release of water.

MANUFACTURED HOME – Except as applied to Section 510 of this Ordinance as noted below, any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the requirements for manufactured home parks listed in Section 456 of this Ordinance. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

For the purposes of Section 510 of this Ordinance, the term “manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

The term includes park trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING - Production of goods from raw materials, by the assembly of constituent parts produced elsewhere, or by a combination of these means, including the final packaging of such goods for sale or shipment. Includes all activities included in the NAICS (q.v.) list of “manufacturing” activities.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal.

MASS TRANSIT AND/OR TAXI-CAB TERMINALS – An area of land with or without structures where the principal use is the housing, storing, maintaining, repairing and/or dispatching of buses, trains, taxi-cabs or other passenger vehicles (other than aircraft) owned and operated by a provider of public transportation. This term excludes the storage of junked or discarded vehicles.

MATURE TREE - A deciduous tree with a diameter at breast height (DBH) greater than or equal to six (6) inches or a coniferous tree at least six (6) feet tall.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL, DENTAL, VISION AND COUNSELING CLINIC - Any building or group of buildings

occupied by medical, dental, optical, psychological, social, and/or behavioral practitioners and related services for the purpose of providing such services to people on an outpatient basis.

MEDICAL RESIDENTIAL CAMPUS – A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community.

MESSAGE DISPLAY CYCLE – That unit of time in which one complete message is displayed upon a sign incorporating a dynamic message display.

METHADONE TREATMENT FACILITY – Any use licensed by the Pennsylvania Department of Health that administers the drug methadone in the treatment, maintenance or detoxification of persons.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as specified within this Zoning Ordinance excluding areas devoted to:

- A. street rights-of-way;
- B. ultimate rights-of-way;
- C. access easements serving another principal use and/or lot;
- D. sanitary sewer and water easements serving another principal use and/or lot;
- E. gas pipeline easements and/or rights-of-way;
- F. land within easements and/or rights-of-way for overhead electric transmission lines 66 KV and greater; and,
- G. storm water management facilities, pipes and/or swales (including all easements related thereto) intended to serve another principal use and/or lot.

In addition to the minimum lot area requirements within the SMC, A, OSR, R-1 and E Zones, each new principal use (except uses of Township agencies and authorities and conservation design developments) shall be required to provide for at least one (1) acre that is free of the following features:

- H. riparian buffers as regulated in Section 511 of this Ordinance;
- I. permanent and open bodies of water;
- J. the Floodplain Zone as delineated under the terms of Section 510.C. of this Ordinance;
- K. wetlands as regulated as delineated under the terms of Section 512.C. of this Ordinance;
- L. areas that are identified by the PNDI as being necessary for the protection of species of concern as regulated by Section 514 of this Ordinance; and/or,
- M. slopes of 25% or greater.

MINIMUM SEPARATION DISTANCE - The minimum horizontal distance measured between two identifiable points.

MINING, QUARRYING AND RELATED PROCESSING OPERATIONS - The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other

processing of minerals at the mine location so as to make them suitable for commercial, industrial or construction use; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining shall expressly exclude the following:

- A. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act;
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process;
- D. Dredging operations that are carried out in the rivers and streams of this Commonwealth;
- E. The removal and sale of non-coal materials from retail outlets;
- F. The extraction of minerals or other deposits carried out beneath the surface by means of shafts, tunnels and similar openings; and,
- G. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:
 - 1. Extraction, handling, processing, or storing are conducted concurrently with construction;
 - 2. The area mined is limited to the area necessary to construction; and,
 - 3. The construction is reasonably related to the use proposed for the site.

MINI-WAREHOUSES - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME – See “manufactured home.”

MOVING SALE – See “Garage, Moving and Yard Sale.”

MOTEL – A building or group of buildings containing rooms for rental on a daily or weekly basis whose primary access occurs at each respective unit. This term excludes “boarding house” and “bed and breakfast” both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a “motel;” similarly, buildings where human beings are housed under legal constraint are excluded from this term. Motels may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services.

MULTIPLE FAMILY DWELLING – See “Dwelling, Multiple Family.”

MUNICIPALITY – The Township of Upper Saucon, Lehigh County, PA.

MUNICIPAL USES – Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies and are not operated on a commercial basis. Such uses shall include, but are not limited to:

- A. Township offices, meeting halls, garages, and storage yards;
- B. Police, fire and ambulance stations;
- C. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- D. Outdoor community service facilities and activities, including fair grounds, golf courses, community bulletin boards and other similar uses; and,
- E. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

MUSEUM – An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history, culture and surroundings.

NAICS – The North American Industrial Classification System, as developed and maintained by the U.S. Bureau of the Census.

NATURAL AND/OR CULTURAL FEATURE – An area characterized by any of the following:

- 1. Floodplain Zone in accordance with Section 510.C. of this Ordinance;
- 2. Riparian buffers in accordance with Section 511.C. of this Ordinance;
- 3. Wetlands and wetland buffers in accordance with Section 512.C. of this Ordinance;
- 4. Steep slopes in accordance with Section 513.C. of this Ordinance;
- 5. Pennsylvania Natural Diversity Inventory Sites (PNDI) in accordance with Section 514.C. of this Ordinance;
- 6. Carbonate geologic features in accordance with Section 515.C. of this Ordinance;
- 7. Woodlands, as necessary to demonstrate compliance with Sections 516 and 517 of this Ordinance;
- 8. Wellhead protection overlay zones in accordance with Section 518 of this Ordinance;
- 9. Historic structures as defined herein;
- 10. Areas of suspected archaeological significance in accordance with Section 520 of this Ordinance;
- 11. Individual soils as identified in the Soil Survey, as defined herein;
- 12. Surface water bodies (e.g. creeks, streams, springs, ponds and lakes);

13. Rock outcrops and other significant and/or scenic geologic features not already required under Section 515.C. of this Ordinance;
14. Areas subject to easement, covenant, deed restriction or any other legally-binding instrument that prevents partial or complete development or partial or complete disturbance of land area along with a description of such limitations; and,
15. Any other features necessary to demonstrate compliance with the requirements of this Ordinance.

NET ACRE – An area of land with 43,560 square feet, exclusive of public rights-of-way, and public and private streets.

NEW CONSTRUCTION – Structures, including substantial improvements thereto, for which the start of construction commenced on or after the effective date of this Ordinance.

NIGHTCLUB - Any building primarily used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment. This use does not include adult uses or gaming facilities as defined herein.

NIGHTTIME - The hours between official sunset and official sunrise.

NO-IMPACT HOME BASED BUSINESS – 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. The business or commercial activity must satisfy the following requirements:

- 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 inventorying 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 or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waster 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.

NON-COMMERCIAL GREENHOUSE – A structure designed or used for the indoor growing of

plants, typically found as an accessory structure to a residence. No sales may be conducted from the structure, nor may the plants grown in the greenhouse be sold from the residence as a business operation.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the Zone in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure that does not comply with the applicable extent of use or bulk provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto, or when such nonconformity is the result of the acquisition of land and/or rights-of-way by a governmental agency.

NOXIOUS SPECIES – Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list, as may be amended. The following lists the current known species:

(Source: <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=149376>)

- Cannabis sativa L, commonly known as Marijuana
- Cirsium arvense, commonly known as Canadian thistle
- Rosa multiflora, commonly known as Multiflora rose
- Sorghum halepense, commonly known as Johnson grass
- Polygonum perfoliatum, commonly known as Mile-a-minute
- Pueraria lobata, commonly known as Kudzu-vine
- Cirsium vulgare, commonly known as Bull or Spear Thistle
- Carduus nutans, commonly known as Musk or Nodding Thistle
- Sorghum bicolor, commonly known as Shattercane
- Datura stramonium, commonly known as Jimsonweed
- Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
- Heracleum mantegazzianum, commonly known as Giant Hogweed
- Galega officinalis, commonly known as Goatsrue
- Ailanthus altissima, commonly known as Tree-of-Heaven

NURSERY AND GARDEN CENTER - A commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting along with related materials, tools and equipment.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFF-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive subject to the requirements listed in Section 313 of this Ordinance. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFF-STREET PARKING LOT - An accessory use in which required and, potentially, additional parking spaces are provided subject to the requirements listed in Section 314 of this Ordinance.

OFF-TRACK BETTING FACILITY - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted under Pennsylvania law.

OFFICE - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.

ON-LOT SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ON-LOT WATER SERVICE - The provision of water to a single user from a private source located on the user's lot.

100-HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

100-YEAR FLOOD BOUNDARY - The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one percent (1%) chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Delaware River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

100-YEAR FLOOD ELEVATION - The water surface elevations of the 100-year flood.

OPEN SPACE - Any area of land or water, or a combination of land and water, within a

development site that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, private yards contained on an individual lot of a principal use and/or storm water detention basins.

ORNAMENTAL PONDS AND WADING POOLS – An accessory use that:

- A. contains no more than 337.5 cubic feet of water (2,530 gallons);
- B. has a length or diameter not exceeding fifteen feet (15'); and,
- C. has a maximum depth less than one and one-half (1½) feet.

ORPHANAGE - A building or group of buildings designed for and intended to provide housing facilities for minors, who are in need of direct care in lieu of that available from their parents. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

OUTDOOR FURNACE – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor wood fired boilers, outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

- A. Designed to burn fuels listed in Section 491 of this Ordinance;
- B. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and,
- C. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

OUTDOOR SHOOTING RANGE – A facility designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

OUTPARCEL LOT – A separate parcel of land that is part of a coordinated development with more than one land use that share common vehicle access and off-street parking.

OVERBURDEN - The strata or material overlying a non-coal mineral deposit or in between non-coal mineral deposits in its natural state and material before or after its removal by surface mining.

OVERSIZE PARKING SPACE – An off-street parking space designed to accommodate a vehicle that is larger than a personal motor vehicle and is regulated by Section 314.G.3. of this Ordinance.

PA – Commonwealth of Pennsylvania.

PA DCNR – Pennsylvania Department of Conservation and Natural Resources.

PA DEP – Pennsylvania Department of Environmental Protection.

PA DOT - Pennsylvania Department of Transportation.

PACKAGING – The enclosure of products into sealers, containers, wrappers, boxes or other suitable protective coverings for shipping, distribution and/or sales.

PARKING COMPOUND – A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly or continuous basis.

PARK AND RIDE LOTS – A use provided by the Township, Lehigh County and/or the Commonwealth of Pennsylvania that is devoted to the daily storage of passenger vehicles who engage in some form of mass transit and/or carpooling.

PARKING LOT – See “Off-Street Parking Lot,” as defined herein.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

- A. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
- B. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymbores, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
- C. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses;
- D. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- E. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
- F. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
- G. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

PASSENGER VEHICLES – Motorized means of personal conveyance upon the public road system specifically excluding “commercial trucks” and “heavy equipment” as defined herein.

PATIO – An accessory structure consisting of an improved surface located at ground level with no walls or roof.

PAVED – A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PEDESTRIAN ORIENTED SPACE – An outdoor and/or covered area (other than designated sidewalks) within the Town Center Core that is open to the general public for passive recreational, cultural and entertainment activities designed for principal access by pedestrians.

PERSON - An individual, partnership, corporation, limited liability corporation, limited liability partnership, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.

PERSONAL CARGO TRAILER – A licensed vehicle that is meant to be attached to a personal motor vehicle for the purposes of transporting personal property upon the public road system.

PERSONAL MOTOR VEHICLE - A passenger vehicle that is up to 11,000 pounds gross vehicle weight (weight of vehicle with rated passenger and/or load capacity) that is used and licensed as the principal mode of conveyance by the occupants of a residential premises upon the public road system. This definition shall expressly exclude race vehicles, stake-body trucks, dump trucks, panel trucks, tractor trailers, commercial trucks and heavy equipment.

PERSONAL SERVICE - A principal use including barber shops, beauty and tanning salons, dry cleaning and laundry pick-up and drop-off facilities, music, art, dance and photographic studios, the repair of clocks and small appliances and similar activities. This use shall not include “adult uses” as defined herein.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PHMC – Pennsylvania Historical and Museum Commission

PLANNING COMMISSION - The Planning Commission of Upper Saucon Township.

PLANNED CENTER – A coordinated development of more than one land use all sharing common vehicle access and off-street parking.

PLANNED CENTER SIGN – A freestanding sign that is associated with a coordinated development of more than one land use all sharing common vehicle access and off-street parking.

PLASMA – A video display technology that relies upon the electric excitation of phosphors to emit light.

PLAY STRUCTURE – An accessory use to a residence comprised of a structure (freestanding or otherwise) with one or more components and supportive members which in whole or part is intended for use or play by children, including but not limited to tree houses, swingsets, sliding boards, jungle gyms, climbers, seesaws, rockers, non-portable sand boxes, big toys, modular playsets, etc.

PNDI – The Pennsylvania Natural Diversity Inventory

POD STORAGE CONTAINERS – Portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

POWER GENERATION FACILITIES – A principal use other than a “wind farm”, as defined herein, devoted to the creation, storage, conversion, distribution and transmission of electrical energy for use at another location.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, are too small or are otherwise of limited marketability or value.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

- A. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
- B. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
- C. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soil of the first, second, or third class as defined by the latest edition of the United States Department of Agriculture Natural Resource and Conservation Services’ Lehigh County Soil Survey.

PRINCIPAL WASTE HANDLING, RECYCLING PROCESSING, TRANSFER AND DISPOSAL FACILITIES – A principal use operated by Lehigh County responsible for the safe and healthful collection, sorting, storage, transport and disposal of solid waste.

PRIVATE CLUBHOUSE - A property upon which is housed an organization catering principally to members and their guests, except that the periodic rental of the premises to nonmembers shall be expressly permitted. Clubhouses shall include premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Clubhouses shall not be used

for adult uses, casinos, golf courses or off-track betting parlors, as defined herein. Clubs with outdoor shooting ranges shall be required to obtain separate approval for such facilities.

PRIVATE SCHOOL – See “School, Private.”

PROCESSING – Pertaining to a systematic modification through mechanical, physical, chemical, and/or energy forces.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or the planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. These sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. Once posted in accordance with the requirements of the Act, the Township, absent actual notice, shall not be responsible for loss or destruction of sign(s) due to vandalism or an act of God.

PUBLIC SCHOOL – See “School, Public.”

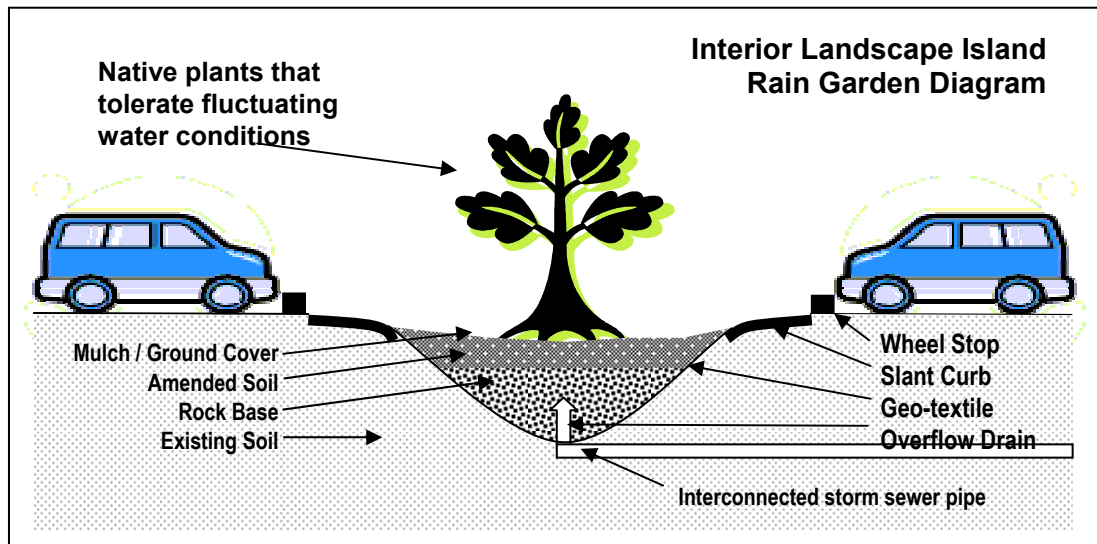
PUBLIC SEWER - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned, leased and/ or operated by Upper Saucon Township, the Upper Saucon Sewage Treatment Authority and/ or the Upper Saucon Township Municipal Authority, including their successors.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Public Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by Upper Saucon Township and within specific areas approved by the Township owned and operated by the City of Bethlehem or the Coopersburg Municipal Authority, including their successors.

RADIOACTIVE MATERIAL - Any natural or artificially produced substance which emits radiation spontaneously.

RAIN GARDEN – An area of land designed and maintained to offer on-site stormwater regeneration. Within off-street parking lots the use of rain gardens may include interconnected drains with the site’s stormwater management system that prevent the overflow of stormwater at each of the respective rain garden locations.



RECREATIONAL USE - Leisure time activities which may or may not be of a formal, organized nature, but which entail some physical exertion and may require a specially designed area, field, arena, structure or facility which is owned and operated by the public sector, private sector, or by a not-for-profit organization. Such facilities are typically available to the general public, except as provided by a condominium association, homeowners association, or management corporation.

RECREATIONAL VEHICLE - a vehicle which is (1) built on a single chassis; (2) designed to be self-propelled or permanently towable by a passenger vehicle; and (3) designed for recreation and/or human occupancy solely under transient circumstances (e.g. vacations, camping, seasonal recreation, temporary visitation, but expressly excluding residency and migrant employment).

RECYCLING COLLECTION FACILITY – A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

RECYCLING FACILITY – A use that specializes in the collection and processing of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable.

REGULATORY FLOOD ELEVATION - An elevation equal to one and one-half (1½) feet higher than the surface water elevation associated with the one-hundred year flood as defined herein.

RENTAL - The temporary transfer of goods for compensation.

REPETITIVE LOSS – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals, or exceeds twenty-five (25%) percent of the market value of the damaged structure.

RESTAURANT - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition. See also “Drive-through and/or fast food restaurants.” Restaurants may offer regular live entertainment which is incidental to the sale of food and drink.

RETAIL – Pertaining to the general public availability for purchase and personal use and/or consumption.

RETAIL SALES – A use not exceeding sixty-thousand (60,000) square feet of gross floor area devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” or “shopping centers” as defined herein.

RETAINING WALL – A man-made structure used to stably contain land at a location of substantial elevation change.

RIDING STABLE – A principal use at which the operator offers services and facilities to board, train, and exercise horses that are owned by non-residents of the subject property. This use also expressly includes the recreational riding of horses for a fee, riding lessons, periodic competitions and similar events related to the care, use and enjoyment of horses.

RIGHT-OF-WAY – An area secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

RIGHT-OF-WAY, LEGAL – The existing width or area of land currently owned by the Township, the State, or some other public agency or authority.

RIGHT-OF-WAY, ULTIMATE – The width or area of land necessary to accommodate present or future public improvements.

RIPARIAN BUFFERS - An area of trees, shrubs, and other vegetation, adjacent to a body of water that is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments and other substances into food, cover, habitat and thermal protection for wildlife. Section 511 of this Ordinance regulates riparian buffers.

ROADSIDE STAND – An accessory use to a farm in which no less than fifty percent (50%) of the products for retail sale have been produced on the farm.

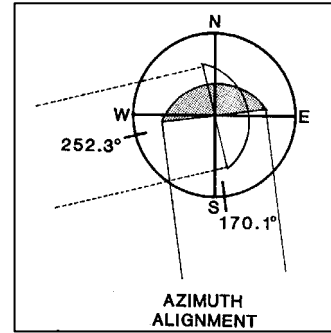
RURAL OCCUPATION - An accessory business or commercial activity that is conducted within an accessory structure of a principal single-family detached dwelling.

SALDO - The latest version of the Township's Subdivision and Land Development Ordinance, as may be amended.

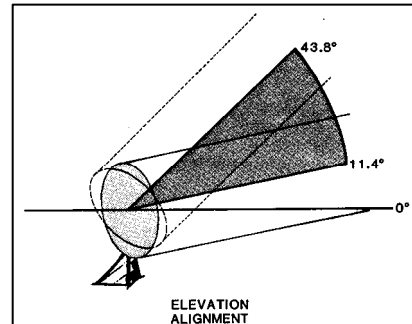
SALES - A use devoted to the transfer of ownership and/or rental of goods and products. This term shall not include “adult uses” as defined herein.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses.

SATELLITE DISH ANTENNA AZIMUTH ALIGNMENTS - That range of horizontal directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees from true north. The adjacent diagram illustrates a range of azimuth alignments between 170.1 and 252.3 degrees.



SATELLITE DISH ANTENNA ELEVATION ALIGNMENTS - That range of vertical directions the installed satellite dish antenna must be aimed to send or receive signals. These directions are usually expressed as degrees above the horizon. The adjacent diagram illustrates a range of elevation alignments between 11.4 and 43.8 degrees.



SATELLITE DISH ANTENNA LOOK ANGLES -The combination of azimuth and elevation alignments needed for an installed satellite dish antenna to send or receive signals.

SATELLITE DISH ANTENNAS RECEPTION WINDOW -

The area within a direct line between the satellite dish antenna and an orbiting satellite and or a fixed terrestrially based sending station. For the satellite dish to remain unimpaired, this reception window must be kept relatively free from obstructions.

SAWMILL – A principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

- A. **Commercial School:** A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business and technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, cosmetology and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial schools if they are operated as a business.
- B. **Private School:** A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the School District or another governmental agency. Private schools shall also expressly include a wide range of permitted accessory uses and activities provided that they are contained on the same property as the school (e.g. student and faculty housing, dormitories, fraternities and sororities, recreation and athletic uses, courts, fields and stadiums, cultural uses, theatres, museums, planetariums, galleries, studios, entertainment uses, lounges, restaurants, arcades, administrative and faculty offices, and maintenance facilities.
- C. **Public School:** A school licensed by the Department of Education for the purpose of providing elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof, and operated by the School District. Public schools shall also expressly include a wide range of permitted accessory uses and

activities provided that they are contained on the same property as the school (e.g. student and faculty housing, dormitories, fraternities and sororities, recreation and athletic uses, courts, fields and stadiums, cultural uses, theatres, museums, planetariums, galleries, studios, entertainment uses, lounges, restaurants, arcades, administrative and faculty offices, and maintenance facilities.

D. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:

1. Agriculture and/or horticulture
2. Truck driving;
3. Engineer repairs;
4. Building construction and general contracting;
5. Woodworking;
6. Masonry;
7. Plumbing;
8. Electrical contracting; and,
9. Other similar trades.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a minimum height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

SEASONAL RESIDENCE - A dwelling, cabin, camp, cottage, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year.

SEPTAGE – A semi-solid waste that collects at the bottom of sewage treatment devices that is not continuously released during normal treatment flows and needs to be periodically removed and processed and disposed-of elsewhere.

SEPTAGE AND COMPOST PROCESSING – A principal use devoted to the collection and conversion of the septage and/or compost for healthful disposal.

SERVICE LANE – A private access way for pedestrian and/or vehicular use that connects pedestrian sidewalks of the Town Center Core with the rear side of Town Center Core buildings and/or pedestrian oriented spaces. A sidewalk or pedestrian oriented space, alone shall not be construed as a service lane.

SETBACK - The required horizontal distance between a setback line and a property or street line.

- A. Setback, Front: The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called “required front yard.”
- B. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
- C. Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”

SETBACK LINE - A line within a property and parallel to a property line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

SHED – A freestanding accessory building to a residence that is generally of portable construction and used to store personal property solely of the inhabitants on the site.

SHOOTING RANGE - A facility designed and constructed to allow for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, recreation, competition, skill development, training, or any combination thereof. Shooting ranges may be indoor or outdoor facilities, subject to the regulation of this Ordinance among other applicable regulations. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER – Except as noted in Section 483.C.14. of this Ordinance, a development consisting of any single retail store in excess of 60,000 square feet of gross floor area or two (2) or more establishments of any size which are designed to function as a unit, for retail sales; personal services; restaurants, taverns and nightclubs; business, professional, or banking offices; and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

SHOPS FOR CONTRACTORS – A principal place of business where tradesmen perform their services within completely enclosed buildings on site and where they schedule and prepare to conduct work at other locations.

SIGN – A device for visual communication that is used to bring the subject to the attention of the public. This term includes:

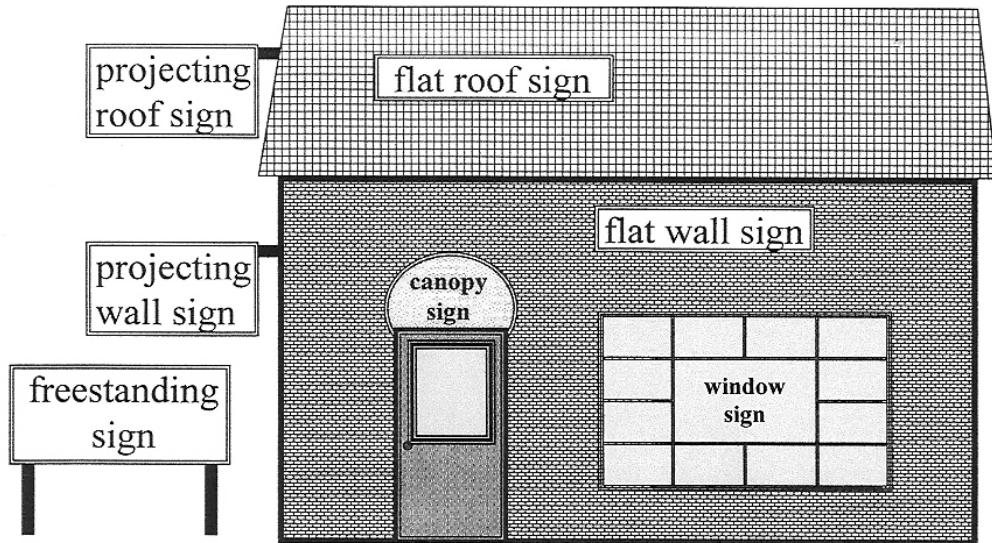
- A. lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises;
- B. signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
- C. flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations;
- D. insignia of governments and government agencies;
- E. banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects; and
- F. inflatable objects.

This term shall not include:

- G. architectural features that may be identified with a particular business;
- H. backlit awnings that include no lettering, logos, or other symbols;
- I. signs within a building that are obviously intended to be seen primarily from within the building;
- J. outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes;
- K. signs with regulations within a park;
- L. building identification signs within a campus;

- M. flags of governments or government agencies;
- N. decorative seasonal and holiday banners on residential properties; and
- O. display of merchandise either behind store windows or outdoors.

SIGN TYPES DIAGRAM



1. Billboard - An off-premise sign which directs attention to a product, service, business, or cause.
2. Canopy Sign - A sign that is incorporated into an awning or canopy that is attached to the building.
3. Dynamic Message Display - A sign incorporating LCD, LED, plasma, CRT, pixelized lights, other video-like displays or other means of changing messages.
4. Flat Roof Sign - A sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.
5. Flat Wall Sign - A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.
6. Freestanding Sign - A sign that has a separate support structure and is not physically attached to a building.
7. Projecting Roof Sign - A sign whose support structure is attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.
8. Projecting Wall Sign - A sign whose support structure is attached to the wall of

a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached.

9. Window Sign – A sign that is either located on the inside or outside surface of a window but whose message faces outward.

SIGN MAKERS – A principal use devoted to the production of signs.

SINGLE-FAMILY DETACHED DWELLINGS - See “Dwellings, single-family detached.”

SKIDDING – The dragging of felled trees on the ground from the stump to the landing by any means.

SLASH – Woody debris left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.

SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS – A principal industrial use at which live animals and/or their physical remains are imported for preparation into materials of human, plant and/or animal nourishment or some other beneficial use.

SLOT MACHINE PARLORS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

SMALL ENGINE REPAIR SHOPS - A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances. This definition shall not include uses involved in the repair of personal motor vehicles, commercial trucks and heavy equipment, all as defined herein.

SOIL SURVEY - The latest published version of the United States Department of Agriculture Natural Resource and Conservation Services’ soil survey for Lehigh County, Pennsylvania.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOUND ATTENUATION OR ABATEMENT – To reduce or eliminate perceived sound.

SPECIAL EXCEPTION - A use that is generally compatible with uses permitted in a Zone but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by Section 804.C. of this Ordinance.

SPECIALTY FOOD STORE A retail use characterized by its marketing and product emphasis on fresh, healthy and organic foods, attractive display of merchandise, store fixtures and interior finish. Product inventory will include fresh, packaged and prepared foods, such as international and ethnic foods, seafood, dairy products, bakery products, gourmet coffees and teas, organic foods, vegetables and meats. The specialty food store will include amenities such as a delicatessen, salad bar, cheese counter and gourmet prepared foods counter. It will occupy no more than 45,000 square feet and will offer no wholesale or off-price products and no bulk sale of products. Shopping carts may be provided for

customers' use within the specialty food store and for transporting purchases to parking areas, provided a cart control program is instituted and enforced that precludes shopping carts remaining unattended outside the specialty food store premises.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- C. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- F. Erotic or lewd touching, fondling or other contact with an animal by a human being.
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STADIUM – A principal use with tiered seating for spectators, that is generally within an unenclosed setting but may have a “closable” roof.

STAND – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPES - Existing natural slopes of 15 % or greater (equal to 15 feet vertical distance over 100 feet horizontal distance). The alteration of slopes that were lawfully man-made (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the pre-existing natural slope.

STERADIAN – The unit of measurement of a solid angle in a sphere.

STORAGE – A temporary placement of products and materials for preservation, later use and/or disposal.

STORY - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a half-story. A basement shall be counted a story if it averages more than five (5) feet above grade.

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word “street” includes “thoroughfare,” “avenue,” “boulevard,” “court,”

“drive,” “expressway,” “highway,” “lane,” “road,” and similar terms. This definition shall not include alleys as defined herein.

STREET CENTERLINE – A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE – The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREETSCAPE – The publicly-accessible area straddling public and/or private streets often located between building facades and including service lanes, sidewalks, pedestrian oriented spaces and pedestrian corridors.

STREAM – Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

STRUCTURE – Except as noted below for Section 510 of this Ordinance, any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances.

A. **Structure, Accessory:** A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.). However, for the purpose of establishing setbacks, any accessory building larger than seven hundred twenty (720) square feet shall comply with principal structure setbacks.

B. **Structure, Principal:** A structure associated with a primary use.

For the purposes of Section 510 (Floodplain Zone) of this Ordinance structures shall be considered anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

STRUCTURE HEIGHT - A structure's vertical measurement from the mean level of the ground abutting the corners of the structure to the highest point of the structure, including any signs, antennas or other appurtenances.

STUDENT HOUSING – Any form of residential occupancy that is principally devoted to those who are enrolled in a public or private school (as defined herein) provided such facilities are located up[on the same property or campus as the public or private school.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged,

and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SWIMMING POOL - Any structure and inflatable device, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds, stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food. Taverns may offer regular live entertainment which is incidental to the sale of food and drink.

THEATER – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

TIMBER HARVESTING OR TREE HARVESTING – A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood, wood-related or paper products.

TOWN CENTER CORE - Entertainment/Retail/Lifestyle Center Complex (hereinafter referred to as Town Center Core). An area designated within the Enterprise Zone developed with an open-air setting featuring entertainment, specialty and boutique shops, personal services, and facilities set amid a traditional grid block street system with sidewalks, street trees, cafes, and other pedestrian oriented amenities.

TOWNHOUSE – See “Dwelling, Townhouse.”

TOWNSHIP - Upper Saucon Township.

TOWNSHIP ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Upper Saucon Township

TOXIC MATERIALS - Hazardous materials that are persistent, bioaccumulative (accumulate in living organisms), and highly dangerous because they pose significant risks to our health and our environment as regulated by such statutes as the Toxic Substances Control Act (TSCA)(15 U.S.C. s/s 2601 et seq. [1976]) or as recognized by the Agency for Toxic Substances and Disease Registry (ATSDR).

TRAFFIC CALMING DEVICES – All measures, systems and programs described in the Commonwealth of Pennsylvania Department of Transportation, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" and all revisions and updates thereto and any successor publications thereto, hereinafter referred to as "Pub. 383".

TRAINING CENTER - A principal use that involves the indoor instruction of clients/customers on any of a wide range of subjects including but not limited to occupational, cultural, business, technical, professional, trade, religious, life skills, emergency response, and similar activities.

TRANSIENT – Any person who assumes temporary occupancy for the purposes of visitation, recreation or leisure purposes. This definition shall expressly exclude permanent residents and/or migratory workers and their families.

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a “travel trailer”:

- A. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;
- B. The unit is mounted or designed to be mounted on wheels;
- C. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
- D. The unit contains, or was designed to contain, temporary storage of water and sewage, and,
- E. The unit contains some identification by the manufacturer as a travel trailer.

TREETOP – The upper portion of a felled tree that is not merchantable because of small size, taper or defect.

TRUCK OR MOTOR FREIGHT TERMINAL – A principal use contained on a single property:

- A. to which materials and products are imported for their redistribution and export by commercial truck or other modes of transport; or,
- B. whereby a fleet of commercial vehicles is maintained for their dispatch on an as needed or contractual basis.

TRUCK STOP – A principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities and similar uses.

TURBINE HEIGHT - The vertical distance, as measured from the ground surface directly below the center of the blade to the tip of the blade at its highest turning movement.

TWO-FAMILY CONVERSION - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

UNIFORM CONSTRUCTION CODE (UCC) – The latest version of the statewide building code adopted by the Pennsylvania General Assembly applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

USE - The specific purpose(s) for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. Use, Accessory: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building, excluding prohibited outdoor furnaces as more particularly described in Section 491.

- B. Use, Principal: The use of land or structure that is most dominant (either visually or economically) in the determination of the Zoning Officer.

USE AND OCCUPANCY PERMIT – See “Certificate of Use and Occupancy” as defined herein.

USES DEVOTED TO THE CONSERVATION OF LOCAL NATURAL AND CULTURAL RESOURCES – Principal uses that:

- A. Are free of buildings, structures or other improvements and require little to no property maintenance;
- B. Include outdoor passive recreation facilities, including picnic pavilions, hiking trails, park benches, drinking fountains, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters, publicly operated scenic sites and other similar uses; and/or,
- C. House organizations whose principal purpose is the permanent protection of important and sensitive features and landscapes; and,
- D. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, and other similar uses.

VARIANCE – One form of relief available to the terms of this Ordinance upon application to the Zoning Hearing Board pursuant to Section 804.D. of this Ordinance.

VECTOR – An organism that carries and can transmit disease.

VETERINARIAN'S OFFICE - A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl., by a licensed veterinarian. This term excludes the outdoor boarding or outdoor keeping of animals.

VOCATIONAL - MECHANICAL TRADE SCHOOL – See “School, Vocational and Mechanical Trade.”

WAREHOUSE AND WHOLESALE TRADE ESTABLISHMENTS – A principal use where the goods, products and/or materials of a single company or organization are stored awaiting further processing, delivery and/or distribution. This definition shall not include satellite lots where vehicles are parked, stored and /or loaded/unloaded away from the actual property where the warehouse resides.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land area from which water drains into a particular watercourse.

WELDING SHOPS – A principal use devoted to the joining of metals through intense heat for repair or the preparation of parts used in other industrial production and/or assembly.

WETLAND MARGINS - The transitional area extending from the outer limit of a delineated wetland. For the purpose of this Ordinance, the wetland margin shall extend fifty feet (50') from the wetland boundary or to the limit of the hydric soils outside the boundary, whichever is less.

WETLANDS – Those areas that are inundated or saturated by surface or ground water 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, including swamps,

marshes, bogs, and similar areas, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

- A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
- B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
- C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

WHOLESALE - Pertaining to the sale of goods for resale.

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy as an accessory use to a principal residence.

WIND ENERGY CONVERSION SYSTEM UNIT - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

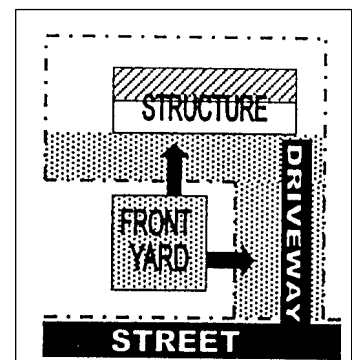
WIND FARMS – An assemblage of wind energy devices whose main purpose is to supply electricity consisting of one or more wind turbines and other accessory structures including but not limited to substations, towers, electrical infrastructure, transmission lines and other appurtenant facilities.

WIND TURBINE - A wind energy device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WOODLANDS – Areas characterized by groves or stands of mature or largely mature trees (i.e., greater than six (6) inches caliper as measured at a point four and one-half (4.5) feet above grade) covering an area greater than one-quarter (1/4) acre; or groves of mature trees (i.e. greater than twelve (12) inches caliper as measured at a point four and one half (4.5) feet above grade) consisting of more than ten (10) individual trees per acre. The area of woodlands shall be measured from the drip line of the outer trees and shall encompass the associated intermediate layers in these areas including the understory shrubs and smaller trees, the ground layer or herbaceous plants, and the woodlands floor.

YARD - An area between the permitted use and/or structures and the site's property lines.

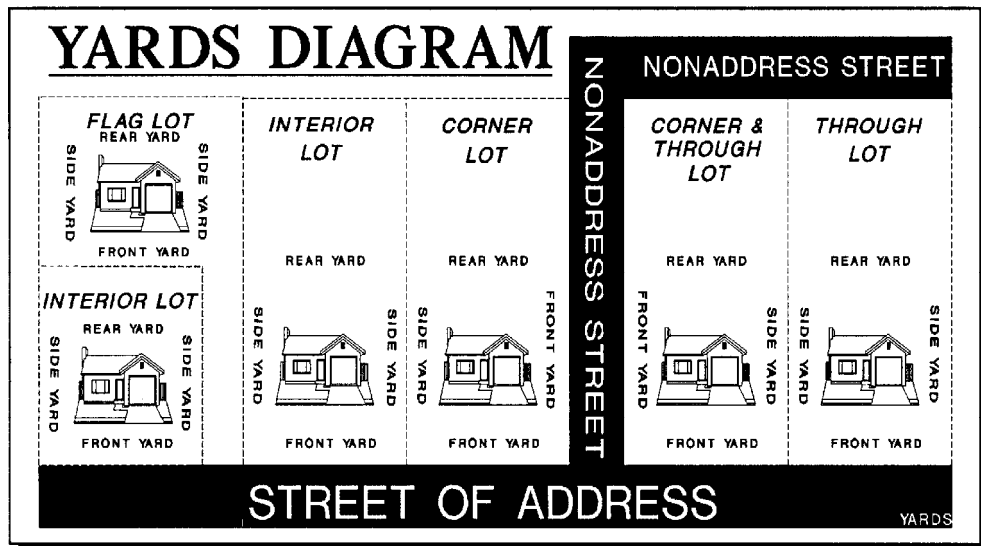
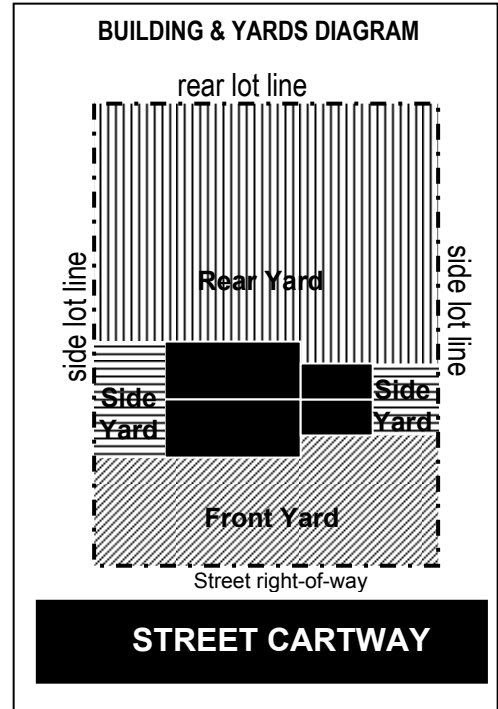
- A. **Yard, Front**: The area that extends the full width of the lot contained between the building setback line (as defined herein) and the street right-of-way line. Where a portion of the site has a front property line that is located away from the street right-of-way and runs generally parallel to the street, the front yard shall also include that area that is located between the building setback line (as defined herein) and the front property line that generally parallels the street (see adjacent diagram). On corner lots the front yard shall be those yards that are located between the building setback line (as defined herein) and the



adjoining streets. On corner lots that are also through lots, the front yard shall be those yards that are located between the building setback line (as defined herein) and the adjoining street of address and located between the principal structure and the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.

- B. Yard, Rear: The area contained between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be that area between the principal structure and that lot line which is directly opposite the above-described front yard. On corner lots that are also through lots, the rear yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.

- C. Yard, Side: The area(s) between a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s). For flag lots, the side yards shall be the area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. On corner lots that are also through lots, the side yard shall be that yard that is located directly opposite the adjoining street that intersects with the street of address. See the Building and Yards Diagram and the Yards Diagram for a graphic illustration of the location of the various yards.



YARD GROUNDCOVER - Any part of the site which is not used for buildings, other structures,

loading or parking spaces and aisles, sidewalks, and designated storage areas that is planted with all-season low-level plants that form a stable and dust-free surface approved by the Board of Supervisors (e.g., grass, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials.

YARD SALE – See “Garage, Moving and Yard Sale.”

ZONE - A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

ZONING - The designation of specified Zones within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD - The Zoning Hearing Board of Upper Saucon Township, Lehigh County, Pennsylvania.

ZONING MAP - The Official Zoning Map of Upper Saucon Township adopted as part of this Zoning Ordinance.

ZONING OFFICER - The duly constituted municipal official(s) designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING ORDINANCE – The Official Zoning Ordinance of Upper Saucon Township.

ZONING PERMIT – A permit stating that the purpose for which a building or land is to be used is in conformity with the applicable requirements of this Ordinance for the Zone in which it is, or will be, located.

Article II

Zone Provisions

SECTION 200 - SOUTH MOUNTAIN CONSERVATION ZONE SMC

200.A. PURPOSE OF ZONE

This Zone intends to protect the large concentrations of sensitive environmental and recreational features prevalent on South Mountain which is an important natural area within the Township and the larger Lehigh Valley. Permitted uses have been selected to encourage the most appropriate conservation/recreation activities for this unique geological and topographical feature and avoid defoliation, deforestation, and destruction of ground cover. In addition, limitations on the development and disturbance of this area's steep slopes will help to minimize storm water runoff, flooding and soil erosion.

The provisions of this Zone have been specifically formulated to satisfy Section 604.(3) of the Act, which requires local zoning ordinances to "promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains." This Zone also incorporates resource protection policies recommended by the Township Comprehensive Plan, the Saucon Region Comprehensive Park, Recreation and Open Space Plan and the Comprehensive Plan, The Lehigh Valley... 2030.

200.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 201.G. of this Ordinance. This use shall expressly exclude CAFOs and CAOs as defined herein.
2. **Forestry uses** subject to the requirements of Sections 200.E. and 517 of this Ordinance.
3. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 439 of this Ordinance.
4. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, public sewer systems, public water systems, and associated rights-of-way.
5. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 422 of this Ordinance.
6. **Public utilities structures.**
7. **Uses devoted to the conservation of local natural and cultural resources.**

8. **Parks that are devoted to the conservation of local natural and cultural resources as the principal recreation feature.**
9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Beekeeping**, subject to the requirements of Section 413 of this Ordinance.
 - c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - d. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
 - e. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
 - f. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
 - g. **Gardening and raising of plants for personal use.**
 - h. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
 - i. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
 - j. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 417 of this Ordinance.
 - k. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - l. **No-impact home-based business**, as defined herein.
 - m. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 464 of this Ordinance.
 - n. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 491 of this Ordinance.
 - o. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
 - p. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
 - q. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
 - r. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
 - s. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
 - t. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

200.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

1. **Campgrounds**, subject to the requirements of Section 416 of this Ordinance.
2. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
3. **Kennels**, subject to the requirements of Section 454 of this Ordinance.
4. **Wind farms**, subject to the requirements of Section 489 of this Ordinance.

200.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 440 of this Ordinance.
2. **Outdoor shooting ranges**, subject to the requirements of Section 467 of this Ordinance.
3. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.

SECTION 200.E. AREA & DESIGN REQUIREMENTS WITHIN THE SMC ZONE – All uses within the South Mountain Conservation Zone shall comply with those standards listed in the following Figure 200.E.

FIGURE 200.E. AREA & DESIGN REQUIREMENTS WITHIN THE SMC ZONE										
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Agricultural Buffer Strip	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear			
Agricultural and Horticultural uses	See Section 201.G. of this Ordinance.									
Uses of Township agencies & authorities ³	None	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings ^{2,3}	5 acres ¹	200 ft.	150 ft.	50 ft.	50 ft. ³	100 ft. ³	50 ft.	100 ft. ⁴	5%	35 ft.
Forestry and other principal uses ³	5 acres ¹	200 ft.	150 ft.	50 ft.	50 ft. ³	100 ft. ³	50 ft.	100 ft. ⁴	5%	35 ft.
Residential accessory structures	NA	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. ⁵	30 ft. ⁵	15 ft. ⁵	15 ft. ⁴	Included in above	20 ft.

¹ All uses relying upon on-lot sewers shall comply with Section 315 of this Ordinance.

² Uses may be located upon flag lots, subject to the requirements of Section 439 of this Ordinance.

³ For lots that existed on the effective date of this Ordinance that do not comply with the minimum lot width requirements listed above, each side yard shall be no less than fifteen (15%) percent of the lot width as measured at the building setback line, except that no side yard shall be less than fifteen (15') feet wide.

⁴ No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

⁵ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

200.F. SITE PLANNING OBJECTIVES - To enhance compatibility between proposed residential development and continued protection of the natural environment, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the subject property, as determined in this Section 200.F. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss and/or disturbance of valuable natural features as documented pursuant to the regulations contained within Article 5 of this Ordinance;
2. Group residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;
3. Successfully integrate valuable natural features during and after the development process as documented pursuant to the regulations contained within Article 5 of this Ordinance with priority towards protection of the environment;
4. Assure adequate vehicular access to future residences not currently proposed; and,
5. Assure that the proposed subdivision/land development plan can comply with the Township's Subdivision and Land Development Ordinance.

200.G. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

200.H. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

200.I. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

200.J. REQUIRED CONSERVATION PLAN - Any forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

SECTION 201 - AGRICULTURAL PRESERVATION ZONE A

201.A. PURPOSE OF ZONE

The purpose of this Zone is to protect areas within the municipality possessing prime agricultural soils (Class I, II, and III soils) which are highly productive soil types most capable of supporting agricultural activities, so that agriculture as an on-going economic activity in the municipality is preserved. The Township acknowledges animal husbandry as an agricultural operation as defined by the Act. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this Zone are specifically designed to and shall be construed and interpreted to: protect and enhance agricultural operations in the Zone; facilitate adaptation to other agricultural technologies; minimize conflicting land uses detrimental to agricultural operations; limit development which requires infrastructure in excess of those required by agricultural operations; maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies; encourage and protect a locally available renewable energy source, encourage and protect a locally available renewable food source and preserve, protect, and enhance natural, man-made, and historic features and amenities of the Township that have contributed to the historic character of the community.

In addition to the creation and perpetuation of this Zone, the Township supports creation of agricultural security areas and shall promote expansion of current agricultural security areas. The regulations are not intended to restrict agricultural operations, or changes to or expansions of agricultural operations in geographical areas where agriculture has traditionally been present.

The regulations of the Agricultural Preservation Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act," the Act of June 30, 1981 (P.L. 128, No.43), known as the "Agricultural Area Security Law," or the Act of June 10, 1982 (P.L. 454, No.133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances" as mandated by the Act, as amended.

201.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site. This use shall also expressly include:
 - a. **Concentrated animal feeding operations (CAFOs)** as defined herein subject to the requirements of Section 426 of this Ordinance and further provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality and the proposed use maintains compliance with the federal regulations governing CAFOs; and/or,
 - b. **Concentrated animal operations (CAOs)** as defined herein subject to the requirements of Section 426 of this Ordinance and further provided that provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.
2. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.

3. **Fish hatcheries and/or fish farms**, subject to the requirements of Section 438 of this Ordinance.
4. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 439 of this Ordinance.
5. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.
6. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 422 of this Ordinance.
7. **Animal hospitals and veterinary offices**, subject to the requirements of Section 487 of this Ordinance.
8. **Public utilities structures.**
9. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Beekeeping**, subject to the requirements of Section 413 of this Ordinance.
 - c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - d. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
 - e. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
 - f. **Farm occupations**, as defined herein, if conducted as an accessory use to a principal agricultural use of the property with a minimum of ten (10) acres, and subject to the requirements of Section 436 of this Ordinance.
 - g. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
 - h. **Gardening and raising of plants for personal use.**
 - i. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
 - j. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
 - k. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 417 of this Ordinance.

- l. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
- m. **Manure storage facilities**, as an accessory use tan agricultural or horticultural use if contained upon a farm, subject to the requirements of Section 457 of this Ordinance.
- n. **No-impact home-based business**, as defined herein.
- o. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 464 of this Ordinance.
- p. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 491 of this Ordinance.
- q. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- r. **Roadside stands** for the seasonal sale of agricultural products subject to the requirements of Section 475 of this Ordinance.
- s. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- t. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- u. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476. of this Ordinance.
- v. **Rural occupations**, as defined herein, subject to the requirements of Section 477 of this Ordinance.
- w. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- x. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

201.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Kennels**, subject to the requirements of Section 454 of this Ordinance.
- 2. **Riding stables**, subject to the requirements of Section 474 of this Ordinance.
- 3. **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401 of this Ordinance.
- 4. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.

201.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Airports and heliports**, subject to the requirements of Section 403 of this Ordinance.
- 2. **Commercial produce operations**, as defined herein, subject to the requirements of Section 424 of this Ordinance.

3. **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 440 of this Ordinance.
4. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
5. **Septage and compost processing**, subject to the requirements of Section 480 of this Ordinance.

201.E. LIMITATIONS ON SUBDIVISION AND/OR LAND DEVELOPMENT

1. In order to preserve agricultural properties, it is the express intent of the Agricultural Preservation Zone regulations that large contiguous areas of farmland be protected. Therefore, the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes. It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Act to preserve prime agricultural land through the enactment of these regulations.
2. The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation contained within the following table shall be based upon all contiguous land within the Agricultural Preservation Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on July 29, 1986 (original date of enactment of these specific regulations). If such land was not classified within the Agricultural Preservation Zone on July 29, 1986, the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural Preservation Zone. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - a. such land is divided into one or more lots, parcels, purparts or tracts;
 - b. such land was acquired by the landowner at different times or by different deeds or other means; and,
 - c. such land is separated by public or private streets or rights-of-way.

Lot Area (Acres)		Total number of permitted lots and/or principal uses.
At least	Less than	
2	5	1
5	16	2
16	30	3
30	60	4
60	90	5

Lot Area (Acres)		Total number of permitted lots and/or principal uses.
At least	Less than	
90	120	6
120	150	7
150 or more		8, plus 1 per each 30 acres in excess of 150 acres

3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in footnote 2 of the Table in Section 201.G. of this Ordinance. Any lot existing on July 29, 1986 which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes and the size of such lot shall not be increased to more than two (2) acres.
4. A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided in Section 201.E.2. of this Ordinance; however, such transfer shall not cause either farm to contain less than ten (10) acres, (the minimum lot area for a farm as specified in Section 201.F.).
5. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 201.E.2. of this Ordinance.
6. Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 201.E.2. of this Ordinance. Each deed shall clearly denote the property's future subdivision/land development rights under this Section. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under Section 201.E.2. of this Ordinance;
7. The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
8. Any common open space proposed on a separate lot shall comply with Section 316 of this Ordinance.

201.F. SITE PLANNING OBJECTIVES - To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the farm, as determined in this Section 201.F. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss of valuable farmland and maximize the protection of Class I, II and III soils as identified in the soil survey;

2. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
3. Minimize the length of property lines shared by all residential lots and adjoining farms;
4. Assure adequate vehicular access to future residences not currently proposed; and,
5. Assure that the proposed subdivision/land development plan can comply with the Township's Subdivision and Land Development Ordinance.

SECTION 201.G. AREA & DESIGN REQUIREMENTS WITHIN THE A ZONE – All uses within the Agricultural Preservation Zone shall comply with those standards listed in the following Figure 201.G.

FIGURE 201.G. AREA & DESIGN REQUIREMENTS WITHIN THE A ZONE										
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Agriculture, and horticulture uses ^{3,5}	10 acres	N/A	200 ft.	N/A	50 ft. ¹	50 ft. ¹	100 ft. ¹	50 ft. ¹	10%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Uses of Township agencies & authorities ³	None	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings ^{3,4}	1 acre ³	2 acres ²	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	50 ft.	20%	35 ft.
Forestry and other principal uses ³	1 acre ³	N/A	150 ft.	120 ft.	50 ft.	50 ft.	100 ft.	50 ft.	20%	35 ft.
Residential accessory structures	NA	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. ⁶	30 ft. ⁶	15 ft. ⁶	Included in above	20 ft.

¹Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

²The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

³All uses relying upon on-lot sewers shall comply with Section 315 of this Ordinance.

⁴Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 439 of this Ordinance.

⁵ The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 905 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to Farm" law.

⁶ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

201.H. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

201.I. AGRICULTURAL NUISANCE DISCLAIMER - All lands within the Agricultural Preservation Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within the A Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

201.J. VEGETATION SETBACK REQUIREMENT - On any separate non-farm parcel, no shrub nor tree shall be planted within ten feet (10') and twenty feet (20'), respectively, of any land used for agricultural purposes.

201.K. REQUIRED CONSERVATION PLAN - Any agricultural, horticultural or forestry- related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

201.L. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

201.M. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 210 - OPEN SPACE RESIDENTIAL ZONE OSR

210.A. PURPOSE OF ZONE

The purpose of this Zone is to blend low density residential uses amid environmentally sensitive lands that have no or limited access to public infrastructure. This Zone seeks to permanently preserve open spaces characterized by woodlands, steep slopes and stream valleys. In addition this Zone will promote the preservation and enhancement of historical and cultural resources that contribute to the character and heritage of the community. Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site. Conventional developments that do not engage the conservation design process will be subject to density penalty.

210.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 201.G. of this Ordinance. This use shall expressly exclude CAFOs and CAOs as defined herein.
2. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
3. **Single family detached dwellings**, including those contained upon flag lots provided such flag lots comply with the requirements of Section 439 of this Ordinance.
4. **Conservation design developments** subject to the requirements of Section 427 of this Ordinance.
5. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.
6. **Public utilities structures.**
7. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
8. **Cemeteries including but not limited to pet cemeteries**, subject to the requirements of Section 420 of this Ordinance.
9. **Churches and related uses**, subject to the requirements of Section 421 of this Ordinance.
10. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Beekeeping**, subject to the requirements of Section 413 of this Ordinance.
 - c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - d. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.

- e. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
- f. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
- g. **Gardening and raising of plants for personal use**.
- h. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
- i. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
- j. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 417 of this Ordinance.
- k. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
- l. **No-impact home-based business**, as defined herein.
- m. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 464 of this Ordinance.
- n. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 491 of this Ordinance.
- o. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- p. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- q. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- r. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
- s. **Rural occupations**, as defined herein, subject to the requirements of Section 477 of this Ordinance.
- t. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- u. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

210.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.
- 2. **Golf courses and driving ranges**, subject to the requirements of Section 443 of this Ordinance.
- 3. **Riding stables**, subject to the requirements of Section 474 of this Ordinance.

4. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.

210.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.

210.E. SITE PLANNING OBJECTIVES - To enhance compatibility between proposed residential development and continued protection of the natural environment, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the subject property, as determined in this Section 210.J. of this Ordinance. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision / land development plans that successfully reflect these design objectives.

1. Minimize the loss and/or disturbance of valuable natural features during and after the development process as documented pursuant to the regulations contained within Article 5 of this Ordinance;
2. Group residential lots on the subject property and, if applicable, with those lots contained on adjoining properties;
3. Successfully integrate valuable natural features during and after the development process as documented pursuant to the regulations contained within Article 5 of this Ordinance with priority towards protection of the environment;
4. Assure adequate vehicular access to future residences not currently proposed; and,
5. Assure that the proposed subdivision/land development plan can comply with the Township's Subdivision and Land Development Ordinance.

210.F. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

210.G. REQUIRED CONSERVATION PLAN - Any forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

210.H. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

210.I. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 210.J. AREA & DESIGN REQUIREMENTS WITHIN THE OSR ZONE – All uses within the Open Space Residential Zone shall comply with those standards listed in the following Figure 210.J.

FIGURE 210.J. AREA & DESIGN REQUIREMENTS WITHIN THE OSR ZONE										
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Agricultural Buffer Strip	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear			
Agricultural and horticultural uses	See Section 201.G. of this Ordinance.									
Forestry Uses	See Sections 210.G. and 517									
Uses of Township agencies & authorities ²	None	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings ²	3 acres ¹	200 ft.	160 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft. ³	10%	35 ft.
Other principal uses ²	1 acre ¹	150 ft.	120 ft.	50 ft.	50 ft.	100 ft.	50 ft.	100 ft. ³	20%	35 ft.
Residential accessory structures	NA	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. ⁴	30 ft. ⁴	15 ft. ⁴	15 ft. ³	Included in above	20 ft.
Conservation Design Developments approved under Section 427 of this Ordinance can include single family detached dwelling units with a maximum permitted density of 1 unit per each 3 acres; however, minimum lot sizes are smaller and the respective related design standards are much more flexible in return for the provision of common open space.										

¹All uses relying upon on-lot sewers shall comply with Section 315 of this Ordinance.

²Uses may be located upon flag lots, subject to the requirements of Section 439 of this Ordinance.

³ No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

⁴ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

SECTION 211 - RURAL RESIDENTIAL ZONE R-1

211.A. PURPOSE OF ZONE

The purpose of this Zone is to blend low density residential uses amid environmentally sensitive lands that have proximity to agricultural activity. This Zone seeks to permanently preserve open spaces characterized by woodlands, steep slopes and stream valleys. In addition this Zone will promote the preservation and enhancement of historical and cultural resources that contribute to the character and heritage of the community. Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site. Conventional developments that do not engage the conservation design process will be subject to density penalty. This Zone also provides opportunity for rural residential growth that serves to meet the Township's projected fair share of its housing demand.

211.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 201.G. of this Ordinance. This use shall expressly exclude CAFOs and CAOs as defined herein
2. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
3. **Single family detached dwellings.**
4. **Conservation design developments** subject to the requirements of Section 427 of this Ordinance.
5. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.
6. **Public utilities structures.**
7. **Public and private schools.**
8. **Bed and breakfasts**, subject to the requirements of Section 412 of this Ordinance.
9. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
10. **Cemeteries including but not limited to pet cemeteries**, subject to the requirements of Section 420 of this Ordinance.
11. **Churches and related uses**, subject to the requirements of Section 421 of this Ordinance.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Beekeeping**, subject to the requirements of Section 413 of this Ordinance.

- c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
- d. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
- e. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
- f. **Farm occupations**, as defined herein subject to the requirements of Section 436 of this Ordinance.
- g. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
- h. **Gardening and raising of plants for personal use**.
- i. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
- j. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
- k. **Keeping of carriage and buggy horses** or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling, subject to the requirements of Section 417 of this Ordinance.
- l. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
- m. **No-impact home-based business**, as defined herein.
- n. **Noncommercial keeping of livestock**, as defined herein, subject to the requirements of Section 464 of this Ordinance.
- o. **Outdoor furnaces**, as defined herein, subject to the requirements of Section 491 of this Ordinance.
- p. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- q. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- r. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- s. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
- t. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- u. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

211.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.

2. **Private clubhouses**, subject to the requirements of Section 470 of this Ordinance.
3. **Riding stables**, subject to the requirements of Section 474 of this Ordinance.
4. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
5. **Golf courses and driving ranges**, subject to the requirements of Section 443 of this Ordinance.

211.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.

211.E. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

211.F. REQUIRED CONSERVATION PLAN - Any forestry-related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

211.G. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

211.H. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 211.I. AREA & DESIGN REQUIREMENTS WITHIN THE R-1 ZONE – All uses within the Rural Residential Zone shall comply with those standards listed in the following Figure 211.I.

FIGURE 211.I. AREA & DESIGN REQUIREMENTS WITHIN THE R-1 ZONE										
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Agricultural Buffer Strip	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear			
Agricultural and horticultural uses	See Section 201.G. of this Ordinance.									
Forestry Uses	See Sections 210.G. and 517									
Uses of Township agencies & authorities	None	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings that are approved after the effective date of this Ordinance.	2 acres ¹	200 ft.	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 feet ²	15%	35 ft.
Lots for single-family detached dwellings that were approved before the effective date of this Ordinance.	1 acre	150 ft.	120 ft.	35 ft.	25 ft.	50 ft.	35 ft.	None	20%	35 ft.
Other principal uses	1 acre ¹	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 feet ²	20%	35 ft.
Residential accessory structures	NA	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	15 ft. ³	30 ft. ³	15 ft. ³	15 feet ²	Included in above	20 ft.
Conservation Design Developments approved under Section 427 of this Ordinance can include single family detached dwelling units at an increased density. Minimum lot sizes are smaller and the respective related design standards are much more flexible in return for the provision of common open space.										

¹All uses relying upon on-lot sewers shall comply with Section 316 of this Ordinance.

² No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

³ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

SECTION 212 - SUBURBAN RESIDENTIAL ZONE R-2

212.A. PURPOSE OF ZONE

The purpose of this Zone is to accommodate medium density residential uses in areas with sufficient infrastructure to support such densities. Selected locations provide for the accommodation of future developments in accordance with the Township's Comprehensive Plan and acknowledge the location of existing land uses with these suburban characteristics.

This Zone seeks to permanently preserve open spaces characterized by woodlands, steep slopes and stream valleys. In addition this Zone will promote the preservation and enhancement of historical and cultural resources that contribute to the character and heritage of the community. Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site. Conventional developments that do not engage the conservation design process will be subject to density penalty.

212.B. USES PERMITTED BY RIGHT

1. **Agriculture and horticulture**, including one single-family detached dwelling contained on the site subject to the applicable requirements contained with 201.G. of this Ordinance. This use shall expressly exclude CAFOs and CAOs as defined herein.
2. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
3. **Single family detached dwellings.**
4. **Conservation design developments** subject to the requirements of Section 427 of this Ordinance.
5. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.
6. **Public utilities structures.**
7. **Public and private schools.**
8. **Bed and breakfasts**, subject to the requirements of Section 412 of this Ordinance.
9. **Cemeteries, including but not limited to pet cemeteries**, subject to the requirements of Section 420 of this Ordinance.
10. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
11. **Churches and related uses**, subject to the requirements of Section 421 of this Ordinance.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:

- a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
- b. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
- c. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
- d. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
- e. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
- f. **Gardening and raising of plants for personal use**.
- g. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
- h. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
- i. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
- j. **No-impact home-based business**, as defined herein.
- k. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- l. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- m. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- n. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
- o. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- p. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

212.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.
- 2. **Private clubhouses**, subject to the requirements of Section 470 of this Ordinance.
- 3. **Riding stables**, subject to the requirements of Section 474 of this Ordinance.
- 4. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.

5. **Nursing, rest or retirement homes**, subject to the requirements of Section 465 of this Ordinance.
6. **Golf courses and driving ranges**, subject to the requirements of Section 443 of this Ordinance.

212.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
2. **Medical residential campus**, subject to the requirements of Section 459 of this Ordinance.

212.E. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

212.F. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

212.G. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 212.H. AREA & DESIGN REQUIREMENTS WITHIN THE R-2 ZONE – All uses within the Suburban Residential Zone shall comply with those standards listed in the following Figure 212.H.

FIGURE 212.H. AREA & DESIGN REQUIREMENTS WITHIN THE R-2 ZONE										
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Agricultural Buffer Strip	Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
		At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear			
Uses of Township agencies & authorities	None	None	None	None	None	None	None	None	100%	Unlimited
Single-family detached dwellings with on-lot sewer and on-lot water	2 acres ¹	200 ft.	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft. ²	15%	35 ft.
Single-family detached dwellings with either public sewer or public water	1.5 acres	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft. ²	20%	35 ft.
Single-family detached dwellings with public sewer and public water that are approved after the effective date of this Ordinance.	1 acre	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft. ²	20%	35 ft.
Lots for single-family detached dwellings with public sewer that were approved before the effective date of this Ordinance.	20,000 sq. ft.	100 ft.	80 ft.	25 ft.	15 ft.	30 ft.	30 ft.	None	30%	35 ft.
Other principal uses	1 acre ¹	100 ft.	80 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft. ²	30%	35 ft.
Residential accessory structures	NA	N/A	N/A	Not permitted in front yard, unless a minimum 100 ft. setback is provided.	5 ft. ³	10 ft. ³	5 ft. ³	15 ft. ²	Included in above	20 ft.
Conservation Design Developments approved under Section 427 of this Ordinance can include single family detached dwelling and duplex units at an increased density. Minimum lot sizes are smaller and the respective related design standards are much more flexible in return for the provision of common open space.										

¹ All uses relying upon on-lot sewers shall comply with Section 315 of this Ordinance.

² No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

³ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

SECTION 213 - MULTI-FAMILY RESIDENTIAL ZONE R-3

213.A. PURPOSE OF ZONE

The purpose of this Zone is to provide areas for multi-family development and associated compatible land uses. This is intended to broaden the Township's housing base and serve a greater variety of housing needs of its residents. This Zone provides for various types of residential dwelling units and residential living environments by right to promote the availability of a diverse and affordable housing stock. It also incorporates regulations for the development of park and recreation facilities to meet the needs of the residents, and establishes provisions for the installation of infrastructure commensurate to the intended level of usage.

This Zone seeks to permanently preserve open spaces characterized by woodlands, steep slopes and stream valleys. In addition this Zone will promote the preservation and enhancement of historical and cultural resources that contribute to the character and heritage of the community. Conservation design developments are encouraged to offer the greatest density and design flexibility so that proposed developments can partner in the protection of sensitive and/or valuable natural and cultural features of the site. Conventional developments that do not engage the conservation design process will be subject to density penalty.

213.B. USES PERMITTED BY RIGHT

1. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
2. **Single family detached dwellings.**
3. **Duplex dwellings.**
4. **Townhouse dwellings.**
5. **Multiple-family dwellings.**
3. **Conservation design developments** subject to the requirements of Section 427 of this Ordinance.
4. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.
5. **Public utilities structures.**
6. **Public and private schools.**
7. **Bed and breakfasts**, subject to the requirements of Section 412 of this Ordinance.
8. **Cemeteries, including but not limited to pet cemeteries**, subject to the requirements of Section 420 of this Ordinance.
9. **Two-family conversions** - A detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted into two (2) dwelling units, subject to the requirements of Section 486 of this Ordinance.

10. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
11. **Churches and related uses**, subject to the requirements of Section 421 of this Ordinance.
12. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - c. **ECHO housing**, as defined herein, subject to the requirements of Section 431 of this Ordinance.
 - d. **Family day-care facilities**, as defined herein subject to the requirements of Section 434 of this Ordinance.
 - e. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
 - f. **Gardening and raising of plants for personal use**.
 - g. **Home occupations**, as defined herein, subject to the requirements of Section 450 of this Ordinance.
 - h. **Integrated family dwelling units**, as defined herein, subject to the requirements of Section 452 of this Ordinance.
 - i. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - j. **No-impact home-based business**, as defined herein.
 - k. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
 - l. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
 - m. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
 - n. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
 - o. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
 - p. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

213.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

1. **Boarding houses**, subject to the requirements of Section 415 of this Ordinance.
2. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.

3. **Nursing, rest or retirement homes**, subject to the requirements of Section 465 of this Ordinance.
4. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
5. **Golf courses and driving ranges**, subject to the requirements of Section 443 of this Ordinance.

213.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
2. **Medical residential campus**, subject to the requirements of Section 459 of this Ordinance.
3. **Manufactured home park**, subject to the requirements of Section 456 of this Ordinance.

213.E. DRIVEWAYS AND ACCESS DRIVES - All driveways serving single-family dwellings shall be in accordance with Section 304 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements in Sections 304 and 301, respectively, except those related to the clear-sight triangle listed in Section 304.C. of this Ordinance.

213.F. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

213.G. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

213.H. AGRICULTURAL BUFFER STRIP

No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

SECTION 213.I. AREA & DESIGN REQUIREMENTS WITHIN THE R-3 ZONE – All uses within the Multi-Family Residential Zone shall comply with those standards listed in the following Figure 213.I.

FIGURE 213.I. AREA & DESIGN REQUIREMENTS WITHIN THE R-3 ZONE										
Use	Maximum Permitted Density (DU/ net ac.)	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Other principal uses	NA	1 acre ¹	100 ft.	80 ft.	25 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Residential accessory structures	NA	NA	N/A	N/A	Not permitted	5 ft. ⁵	10 ft. ⁵	5 ft. ⁵	Same as principal use	20 ft.
The following list required design standards for uses that do not propose the use of Conservation Design Developments.										
Single-family detached dwellings ⁴	2	1/2 acre	150 ft.	120 ft.	25 ft.	15 ft.	30 ft.	30 ft.	30%	35 ft.
Duplex dwellings ⁴	4	6000 sq. ft.	60 ft.	60 ft.	25 ft.	15 ft.	NA	30 ft.	40%	35 ft.
Townhouses ^{2,3,4}	4	2400 sq. ft.	24 ft. per unit		25 ft.	15 ft. end units		30 ft.	45%	35 ft.
Multiple-family dwellings ^{3,4}	4	2 acres	200 ft.	200 ft.	25 ft.	15 ft.	30 ft.	30 ft.	50%	60 ft. ¹
Conservation Design Developments approved under Section 427 of this Ordinance can include single family detached, duplex, townhouse and multi-family dwelling at an increased density. Minimum lot sizes are smaller and the respective related design standards are much more flexible in return for the provision of common open space.										

¹ Unless greater setbacks apply, any structure exceeding 35 feet in height must be setback no less than its height from the closest property line.

² No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

³ In those instances where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:

- Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten feet (10') at one end, if increased by similar or greater distance at the other end.
- A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.

⁴ All common open spaces are subject to the requirements listed in Section 316 of this Ordinance.

⁵ Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

SECTION 214 – AGE QUALIFIED COMMUNITY OVERLAY ZONE AQC

214.A. PURPOSE OF ZONE

1. The Age Qualified Community Overlay District (hereinafter referred to as “AQC” shall be an overlay to permit development of age qualified communities within the areas designated on the Township Zoning Map. Age qualified communities as set forth within this Section shall be permitted by right solely within the AQC, in accordance with the following minimum requirements. In the absence of a specific standard for age qualified communities, the provisions of the base zone shall apply.
2. Nothing in this Ordinance shall be construed to preclude the development of age qualified communities in any other area of the Township where residential land uses are permitted. However, development of age qualified communities outside of the AQC shall meet the requirements of the base zone in which they are located.
3. Pursuant to Section 904 of this Ordinance, relating to proposed zoning amendments, the Board of Supervisors may consider an amendment to the Zoning Map to include a particular parcel or parcels of land within the AQC, thus enabling development of such parcel(s) in accordance with this Section. In determining the propriety of a zoning map amendment under this Section, the Township shall comply with all requirements of the Act, relating to zoning map amendments and in addition to the specific requirements of this Section, consider the following criteria:
 - a. consistency with the Township's Comprehensive Plan and other development objectives as embodied in Township Ordinances, documents and records;
 - b. consistency with the Comprehensive Plan, The Lehigh Valley... 2030.
 - c. conduciveness of development to, and impact of development on, all relevant environmental factors;
 - d. compatibility with the character of the neighborhood in which the subject parcel or parcels is/are located;
 - e. impact of the development on traffic and vehicular circulation both within and outside the development; and
 - f. whether such amendment, if enacted, would violate established legal principles.
4. Notwithstanding the requirements of Sub-section 3, above, and regardless of the availability of municipal water and/or public sewer, parcels of land located in whole or in part within the R-1 Rural Residential, A Agricultural Preservation and SMC South Mountain Conservation Zones shall not be eligible for consideration for inclusion within the AQC.
5. Regardless of the applicant's ability to meet the criteria set forth in Sub-section 3, above, any decision to amend the Zoning Map pursuant to this Section shall be fully discretionary with the Board of Supervisors.

214.B. USES PERMITTED BY RIGHT

1. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
2. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way.

3. **Public utilities structures.**
4. **Age Qualified Community** - An age qualified community shall consist of any one or more of the following types of principal residences:
 - a. **Single family detached dwellings.**
 - b. **Duplex dwellings.**
 - c. **Townhouse dwellings.**
 - d. **Quadraplex dwellings.**
5. **Accessory uses customarily incidental to the above permitted uses**, including, but not limited to, the following:
 - a. **Administrative and sales facilities** exclusively for the management of the age qualified community and located within the community center, except that model units may contain sales facilities until build-out of the development.
 - b. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - c. **Community center or clubhouse** consisting of, inter alia, activity rooms, kitchen areas, meeting rooms, craft rooms, fitness rooms, lounges or similar facilities for the exclusive use of members of the age qualified community and invited guests.
 - d. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - e. **Garage yard and/or moving sales**, subject to the requirements of Section 442 of this Ordinance.
 - f. **Gardening and raising of plants for personal use.**
 - g. **Gate houses, entrance facilities and other similar structures.**
 - h. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - i. **No-impact home-based business**, as defined herein.
 - j. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
 - k. **Recreational uses**, for the exclusive use of members of the age qualified community and invited guests.
 - l. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
 - m. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
 - n. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
 - o. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
 - p. **Service and maintenance facilities** exclusively for the operation of the age qualified community.

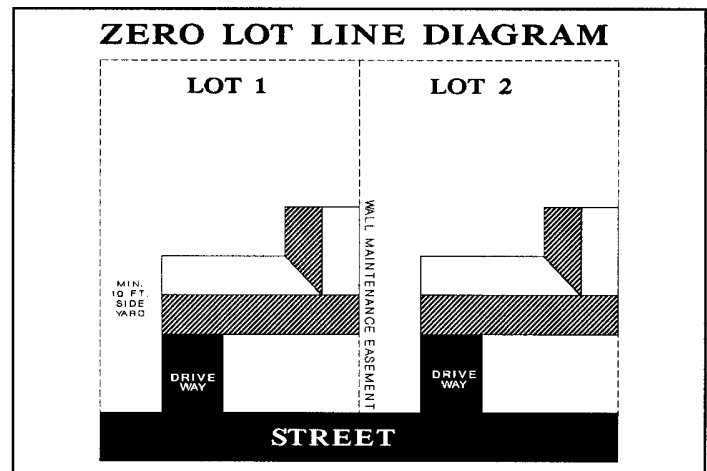
214.C. BULK AND DESIGN REQUIREMENTS

1. No minimum overall development tract size shall apply and no individual minimum lot sizes shall apply.
2. The maximum lot coverage for the overall development tract shall be fifty percent (50%) and no individual maximum lot coverage requirements shall apply.
3. The maximum permitted density shall be six (6) dwelling units per acre which shall be calculated upon the overall development tract size exclusive of public rights-of-way, and public and private streets.
4. **REQUIRED DESIGN STANDARDS** - The following table and its footnotes present applicable design standards applied to the various dwellings/lots:

FIGURE 214.C.4. AQC DEVELOPMENT DESIGN STANDARDS							
Use	Maximum Permitted Height	Minimum Lot Width at Building Setback & Frontage		Minimum Required Yards			
				Front ¹	One Side	Both Sides	Rear
Single- Family Detached Dwelling ¹	35 ft.	60 ft.	50 ft.	25 ft.	5 ft.	10 ft.	15 ft.
Duplexes	35 ft.	45 ft.	40 ft. per unit	25 ft.	10 ft.	N/A	15 ft.
Townhouses ²	35 ft.	18 ft.	18 ft. per unit	25 ft.	15 ft.	(End Units)	20 ft.
Quadrplex ³	35 ft.	150 ft.	200 ft.	35 ft.	30 ft.	60 ft.	35 ft.

¹Within an AQC development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- b. One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.
- c. A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.



- d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
- e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight feet (8') above grade, and have translucent panels.

²No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any

perimeter boundary of the conservation design development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

³In those instances where several quadruplex dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly-held lands. All multiple-family dwelling buildings shall be set back at least thirty feet (30') from any perimeter boundary of the conservation design development site.

⁴If the property abuts an arterial road, the minimum front yard setback shall be forty feet (40') from the right-of-way line. Except for multiple-family dwellings, the minimum front yard setback for accessory residential garages shall be twenty feet (20').

5. **Residential accessory use setbacks** – No residential accessory structures shall be permitted within the front yard. A minimum five feet (5) side and rear yard setback shall be applied to residential accessory structures except that no garage shall be located less than twenty feet (20') from the cartway of any alley.
6. **Required buffer strip** – A minimum thirty (30) foot wide landscape buffer strip shall be provided along all front, side, and rear boundaries of the overall development tract. Such area shall comply with Section 321 of this Ordinance.

214.D. DECLARATION OF AGE QUALIFICATION - Prior to the recording of the plan, the Developer shall record a declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age qualification and such other regulations as may be established by the Developer. Such qualifications and regulations shall be in accordance with all applicable federal and state laws and the regulations promulgated thereunder. The recorded declaration shall relieve the Township from any obligation to enforce the qualifications and regulations set forth therein, and shall place the primary obligation of enforcement on the residents and/or governing association, if any, of the development.

214.E. UTILITIES.

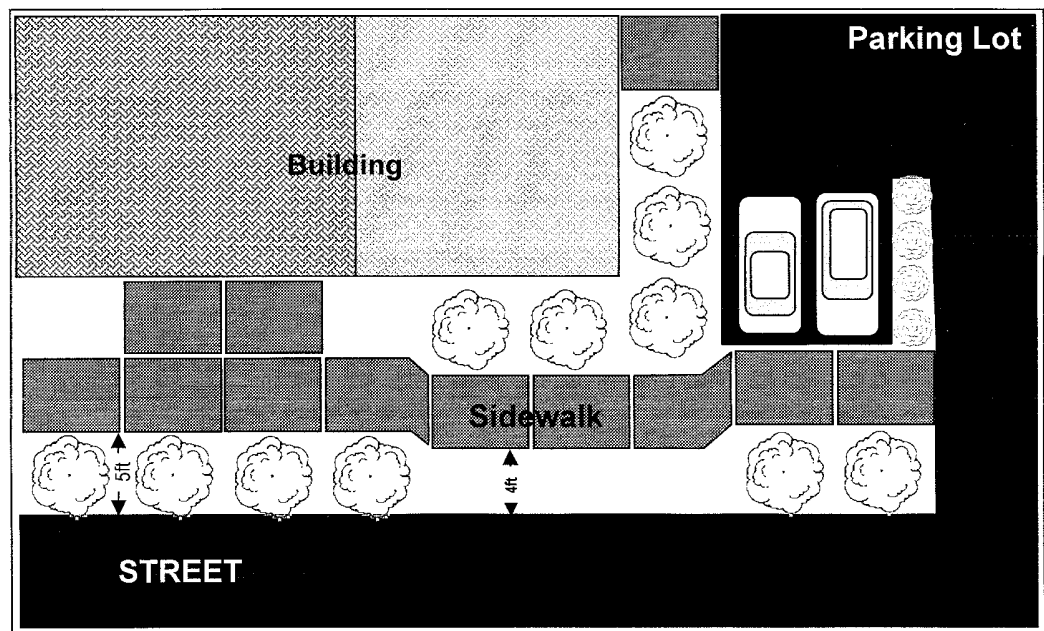
- a. The proposed development shall be served by both public water supply and public sewage disposal systems.
- b. All fire services shall be designed and constructed in accordance with ISO standards. The Township Fire Chief shall review and approve all fire hydrant locations and access ways to the development.
- c. All utilities shall be installed underground. Design and installation of utilities shall be in accord with applicable requirements of the Township, Upper Saucon Sewage Treatment Authority, Upper Saucon Township Municipal Authority, or provider as applicable.

214.F. PEDESTRIAN CIRCULATION SYSTEM. A pedestrian circulation system shall be provided as an integral part of any age qualified community, as follows:

- a. Pedestrian sidewalks a minimum of five (5) feet in width shall be provided at a minimum on one (1) side of all interior streets, public or private, and along off-

street parking areas where pedestrian usage is anticipated. All pedestrian sidewalks shall be concrete.

- b. Pedestrian sidewalks shall be set back a minimum of five (5) feet from the curb line of all interior streets where street trees are placed between the sidewalk and the curb. Where street trees are placed between the sidewalk and building façade the distance between the curb and sidewalk may be reduced to four (4) feet.
- c. Pedestrian sidewalks may adjoin off-street parking, however off-street parking shall not encroach upon the pedestrian sidewalk. Provision shall be made to prevent vehicles from overhanging pedestrian sidewalks.
- d. Pedestrian trails a minimum of five (5) feet in width shall be provided throughout the age qualified community to interconnect pedestrian sidewalks with common open space, recreational space, amenities and facilities. The pedestrian trail system shall meander throughout the common open space. Pedestrian trails shall be concrete or bituminous paving unless otherwise specifically regulated.
- e. Pedestrian sidewalks and trails shall be ADA compliant.



214.G. VEHICULAR CIRCULATION SYSTEM

- a. Interior streets within an age qualified community shall be private, and owned and maintained by a governing association or management corporation, or other entity found acceptable by the Township.
- b. Required Streetscape Design Standards - The following table presents minimum required design standards applied to streetscapes:

Feature	Required Width
One-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane (when provided)*	10 feet per side
Curbside shade tree planting strip (both sides required)	5 feet per side
Sidewalk (when provided)	5 feet per side
*A minimum twenty feet (20') long landscape or pedestrian island projecting the width of the on-street parking lane shall be provided at least interval of a maximum of every seven (7) parallel on-street parking spaces before additional on-street parallel parking spaces are provided.	

- c. Interior streets within the age qualified community shall be designed and constructed to Township standards for public residential streets. Street right-of-way and cartway widths shall be per the Township Subdivision and Land Development Ordinance.
- d. Properties located within the traffic improvement district shall comply with Township's traffic impact fee ordinance. If the proposed development is outside the traffic improvement district, the developer shall prepare and abide by traffic impact study meeting the requirements of the SALDO. The traffic impact study shall be submitted to the Township for review and approval, and all recommendations contained in the approved traffic impact study shall be implemented by the developer in accordance with this Ordinance and other applicable laws, rules, regulations, ordinances and standards. All improvements recommended by the approved traffic impact study shall be constructed in conjunction with the land development and/or subdivision. All on site improvements shall be the responsibility of the developer.

214.H. OFF-STREET PARKING.

- a. A minimum of three (3) off-street parking spaces shall be provided for each dwelling unit. Garage spaces may count toward this requirement provided that the developer include in its declarations and restrictions an enforceable covenant that each counted space be used for parking and not converted to another use; however, at least one (1) of the required off-street parking spaces must be an exterior space (outside the garage), and for residential buildings other than single family detached dwellings one (1) of the required parking spaces may consist of an on-street parking space. Alternatively, the developer may construct separate parking facilities in accordance with regulations contained in Section 314 of this Ordinance to meet the requirements of this Section.
- b. Off-street parking areas for a community center or other community amenities shall be set back a minimum of twenty (20) feet from all buildings and a minimum of thirty (30) feet from the overall development tract boundaries. For a community center, a minimum of seven and one-half (7.5) off-street parking spaces shall be provided for every 1,000 square feet of gross floor area.
- c. Except as provided herein, off-street parking facilities shall comply with Section 314 of this Ordinance.

214.I. COMMON OPEN SPACE

- a. A minimum of fifty percent (50%) of the overall development tract size shall be set aside as open space, as defined herein.

- b. With Township approval, land area containing storm water management facilities designed and constructed as wet ponds or shallow basins and which incorporate natural features, landscaping, recreational uses or other, similar qualities may be attributable to the common open space requirement of this Section.
- c. As part of the site planning process for the age qualified community, the applicant shall be required to demonstrate compliance with Article 5 of this Ordinance. Features inventoried during that process shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:
1. Mandatory conservation features - The following features must be undisturbed and successfully integrated within the age qualified community's required open space:
 - floodplains;
 - very steep slopes [greater than twenty-five percent (25%)];
 - wetlands and buffers, streams, ponds, or other waterways;
 - sinkholes, caves, or rock outcroppings;
 - riparian buffers, as regulated by Section 511 of this Ordinance; and,
 - threatened or endangered species habitats as required by the PNDI; and,
 - significant stands of mature trees.
 2. Suggested conservation features - The following features should be undisturbed and successfully integrated within the age qualified community's required open space:
 - steep slopes [greater than fifteen percent (15%)];
 - significant geologic features;
 - scenic vistas;
 - threatened or endangered species habitats, not required by the PNDI;
 - archaeological resources; and,
 - historic resources.
 3. In addition, the applicant can include a proposed golf course subject to the requirements of Section 443 of this Ordinance, provided such golf course is available for use by the general public or is only devoted for use by the residents of the age qualified community;
 4. In addition, the applicant can include proposed parklands within required open space (which will not be counted towards the required mandatory dedication of parkland and open space as required within the SALDO) if such parkland complies with the following:
 - a. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
 - b. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other

open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;

- c. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;
- d. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
- e. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,
- f. The ownership and maintenance of open space shall be governed by Section 316 of this Ordinance.

214.J. COMMON RECREATION AREAS

- a. A minimum of ten percent (10%) of the overall development tract size exclusive of public rights-of-way, and public and private streets of the age qualified community shall be set aside as common recreation areas. This requirement may be satisfied through provision of one (1) or more individual common recreation areas.
- b. At least fifty percent (50%) of the total required common recreation area acreage shall be provided in one (1) or more areas that each have a minimum dimension of not less than one hundred (100) feet by one hundred (100) feet, a maximum slope of six percent (6%), and being at least twenty (20) feet from all buildings, streets, parking areas, alleys and stormwater management facilities (except those stormwater management facilities described in Section 214.I.b. of this Ordinance.
- c. Areas associated with environmentally sensitive features as listed in Section 214.I.c.1. shall not be utilized as or attributable to the required common recreation areas.
- d. Common recreation areas may be common open space areas or recreational buildings or facilities.
- e. Common recreation areas otherwise meeting the requirements for common open space within the meaning of Section 214.I. of this Ordinance may be counted toward the developer's obligation to provide open space pursuant to that Section.

214.K. The developer shall comply with the park and recreation requirements of the SALDO, which compliance shall be in addition to, and not in lieu of, compliance with the open space and common recreation area requirements of this Section.

214.L. The developer shall include on the record plan for the development and within the governing association document or management corporation document a depiction of all open space

and common recreation areas necessary to satisfy the requirements of this Ordinance. In addition, the developer shall include on the record plan and within the governing association document or management corporation document a statement that no buildings, structures or other impervious surfaces shall be permitted to be built in the required open space.

214.M. OTHER REQUIREMENTS

- a. Unless the Township, in its sole discretion, determines that it is in the Township's interest to accept all or a portion of any infrastructure within an age qualified community, infrastructure within an age qualified community including but not limited to streets, utilities, recreational areas, and community facilities and amenities shall be constructed, owned, and operated by a governing association or management corporation.
- b. Ownership, maintenance, and use provisions associated with all infrastructure and common amenities and facilities within the age qualified community shall be identified within a governing association document or management corporation document. The document shall be submitted to the Township for review prior to final plan approval.

SECTION 220 - COMMERCIAL ZONE C

220.A. PURPOSE OF ZONE

This Zone provides suitable locations for retail, service, and entertainment businesses. The uses permitted vary widely and some may involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks and design standards are imposed to promote shared vehicular access and off-street parking lots, enhance public safety through the ready identification of access drives and adjoining travel lanes, ensure protection by orienting outdoor storage and off-street loading spaces away from adjoining residential properties.

220.B. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions** provided that each drive through lane provide sufficient length for a minimum of five vehicles awaiting service on the site.
2. **Bookbinding, printing, and publishing operations.**
3. **Caterers, bakers and confectioners.**
4. **Churches and related uses**, subject to the requirements of Section 421 of this Ordinance.
5. **Commercial day care facilities**, subject to the requirements of Section 423 of this Ordinance.
6. **Commercial greenhouses.**
7. **Dance, music, art, fashion and photographic studios and galleries.**
8. **Dry cleaners, laundries and laundromats.**
9. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
10. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, auditoriums, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
11. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
12. **Hotels, motels and similar lodging facilities.**
13. **Medical, dental, optical and counseling clinics and offices**, provided that any use offering emergency medical treatment shall orient its emergency vehicle access and emergency building access on the side of a building not facing an adjoining OSR, R-1, R-2 and/or R-3 Zones.
14. **Offices.**
15. **Public, private and commercial schools and training centers.**

16. **Public utilities structures.**
17. **Restaurants and taverns** (but not including drive-thru or fast-food restaurants or nightclubs);
18. **Retail sale of goods and personal services (including auto parts stores, without installation and convenience stores, but excluding adult uses).**
19. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
20. **Shops for contractors of plumbing, heating, air conditioning, electrical, electronic, roofing, flooring, glass and windows, landscaping, insulation, carpentry and cabinet-making.**
21. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way, subject to the requirements of Section 201.F. of this Ordinance.
22. **Veterinary offices, and kennels**, subject to the requirements of Section 487 of this Ordinance.
23. **Accessory uses** customarily incidental to the above permitted uses, including but not limited to:
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - c. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - d. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
 - e. **Recycling collection facilities** as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
 - f. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
 - g. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
 - h. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
 - i. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000

square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

220.C. USES PERMITTED BY SPECIAL EXCEPTION (Subject to the review procedures of Section 804.C. of this Ordinance).

1. **Amusement arcades** subject to the requirements of Section 405 of this Ordinance.
2. **Auction houses**, excluding automobile auctions subject to the requirements of Section 407 of this Ordinance.
3. **Automobile filling stations** (including minor incidental repair) subject to the requirements of Section 410 of this Ordinance.
4. **Automobile service and repair facilities** including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops, subject to the requirements of Section 411 of this Ordinance.
5. **Car washes**, subject to the requirements of Section 418 of this Ordinance.
6. **Commercial recreation facilities**, subject to the requirements of Section 425 of this Ordinance.
7. **Drive-thru and/or fast-food restaurants**, subject to the requirements of Section 430 of this Ordinance.
8. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.
9. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
10. **Farmers and/or flea markets**, subject to the requirements of Section 437 of this Ordinance.
11. **Funeral homes**, subject to the requirements of Section 441 of this Ordinance.
12. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 444 of this Ordinance.
13. **Home improvement and building supply stores**, subject to the requirements of Section 449 of this Ordinance.
14. **Nightclubs**, subject to the requirements of Section 463 of this Ordinance.
15. **Retail sale of personal motor vehicles and recreational vehicles, as defined herein**, (including service or repair facilities as an accessory use, and if conducted within a completely enclosed building) subject to the requirements of Section 490 of this Ordinance.

220.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

1. **Amusement, theme and/or zoo parks**, subject to the requirements of Section 406 of this Ordinance.
2. **Automobile and/or animal racing facility with or without related wagering** subject to the requirements of Section 408 of this Ordinance.
3. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
4. **Mini-warehouses**, subject to the requirements of Section 462 of this Ordinance.
5. **Shopping centers involving any use permitted in this Zone**, subject to the requirements of Section 481 of this Ordinance.

220.E. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS - See the following table:

FIGURE 220.E. LOT AREA, WIDTH & COVERAGE REQUIREMENTS WITHIN THE C ZONE			
Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage ¹
Public Sewer	1 acre	150 ft.	60%
¹ The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 220.U. of this Ordinance, up to a maximum lot coverage of seventy-five percent (75%).			

220.F. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least thirty feet (30') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least thirty feet (30') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an OSR, R-1, R-2, or R-3 Zone shall maintain a fifty foot (50') setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the OSR, R-1, R-2, or R-3 Zone parcels. Such areas shall be used for a landscape strip and screen.

220.G. MAXIMUM PERMITTED HEIGHT

The height of any principal or accessory structure shall not exceed sixty feet (60'), except that uninhabitable structures and mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a

building. Unless greater setbacks apply, any structure extending above thirty-five feet (35') from grade (except permitted signs) shall be set back a distance at least equal to its height from each property line.

220.H. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 313 of this Ordinance.

220.I. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 314 of this Ordinance.

220.J. SIGNS – Signs shall be permitted as specified in Section 322 of this Ordinance.

220.K. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with Section 301 of this Ordinance.

220.L. SCREENING

A visual screen must be provided along any adjoining lands within an OSR, R-1, R-2, or R-3 Zone, regardless of whether or not the OSR, R-1, R-2, or R-3 Zone property is developed (see Section 321 of this Ordinance).

220.M. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

220.N. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining OSR, R-1, R-2, or R-3 Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

220.O. LIGHTING STANDARDS

All uses shall comply with the outdoor lighting standards contained in Section 310 of this Ordinance.

220.P. NOISE STANDARDS

All uses shall comply with the noise standards contained in Section 312 of this Ordinance.

220.Q. OPERATIONS STANDARDS

All operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 317 of this Ordinance.

220.R. OUTDOOR STORAGE

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in Section 220.F. of this Ordinance. The outdoor storage areas for retail automobile, motorcycle, or boat sales need not be screened from adjoining roads. Section 318 lists additional requirements.

220.S. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

220.T. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

220.U. ARCHITECTURAL STANDARDS

Developers are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for land development approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites shall be designed by licensed architects and/or engineers and constructed and maintained so that they:
 - a. Contribute to the Township's historic character with multiple stories as opposed to a typical one-story suburban or strip center arrangement;
 - b. Feature prominent customer entrances and exterior pedestrian amenities;
 - c. Make use of a combination of natural materials such as wood, brick, stone, concrete masonry split face block or synthetic materials that simulate natural materials such as textured molded block, glass, stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - d. Employ "earth-tone," "pottery-tone" or natural colors for primary wall surfaces;
 - e. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties;
 - f. Employ pedestrian-level freestanding signs and/or attached signs; and/or,
 - g. Exceed energy efficiency standards under conventional building code requirements.
2. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
3. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy-five percent (75%).

4. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another land development approval at that time.
5. Should any part of this Section 220.U.. be declared invalid by the courts, the entire Section 220.U. shall be automatically repealed.

SECTION 221 – VILLAGE COMMERCIAL OVERLAY ZONE VC

221.A. PURPOSE OF ZONE

1. The Village Commercial Overlay Zone is an overlay to permit development of small scale and locally oriented retail, service, and entertainment businesses that comply with specific design standards that foster a local character of development that replicates historic commercial uses and settings. The uses permitted are accommodated upon freestanding sites or developed as part of a coordinated arrangement. Pedestrian access, scale and orientation are also required for uses within this Overlay Zone. This Overlay Zone provides for ready access along the Township's heavily travelled highways yet imposes restrictions that will enhance compatibility with adjoining and or nearby residential neighborhoods.
2. Pursuant to Article 9 Section 904 of this Ordinance, relating to proposed zoning amendments, the Board of Supervisors have discretion to consider an amendment to the Zoning Map to include a particular parcel or parcels of land within the Village Commercial Overlay Zone, thus enabling development of such parcel(s) in accordance with this Section. In determining the propriety of a zoning map amendment under this Section, the Township shall comply with all requirements of the Municipalities Planning Code, as amended, relating to zoning map amendments, and in addition to the specific requirements of this Section, consider the following criteria:
 - a. consistency with the Township's Comprehensive Plan and other development objectives as embodied in Township ordinances, documents, and records;
 - b. consistency with the Comprehensive Plan for Lehigh and Northampton Counties;
 - c. conduciveness of development to, and impact of development on, all relevant environmental factors;
 - d. compatibility with the character of the neighborhood in which the subject parcel or parcels is/are located;
 - e. frontage of the subject parcel or parcels on an arterial highway;
 - f. availability of public water and public sewer;
 - g. impact of the development on traffic and vehicular circulation both within and outside of the development; and
 - h. whether such amendment, if enacted, would violate established legal principles.
3. Regardless of the applicant's ability to meet the criteria set forth in Subsection 2 above, any decision to amend the Zoning Map pursuant to this Section shall be fully discretionary with the Board of Supervisors.

221.B. APPLICABILITY & PROCEDURES FOR APPLICATION

1. To be considered eligible for designation within the Village Commercial Overlay Zone, a parcel or parcels must:
 - A. have frontage on an arterial road as listed in Section 320 of this Ordinance adequate to support the proposed use;
 - B. have access to and make use of public sewer as defined herein; and,

- C. have access to and make use of public water as defined herein.
2. This Section 221 has different land use and design requirements from those contained in this, and other ordinances of the Township. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. The regulations within this Section 221 are not severable and must be applied in total to any proposed development. Should any part of this Section 221 be declared invalid by the courts, the entire Section 221 is deleted. However, all other provisions of this, and other ordinances of the Township shall remain in full force.
 3. An applicant desiring to secure a Village Commercial Overlay designation for a parcel of land under this Section 221 shall comply with the amendment procedures of Article 9, Section 904.E of this Ordinance, and consideration of any such petition shall be governed by Section 904.A, and to the extent applicable, Section 904.B. of this Ordinance.
 4. In addition to the requirements of Section 904.E, an applicant who submits a petition under this Section 221 shall submit also a proposed amendment to the Official Zoning Map meeting the requirements of applicable law and a concept plan for the proposed development in sufficient detail so as to evidence an ability to comply with the requirements of this Section.
 5. The enactment of a proposed amendment the Official Zoning Map under this Section 221 shall not constitute an approval of the concept plan or any aspect of the concept plan, shall not constitute an agreement to amend the Township's Act 537 Official Sewer Plan or constitute an agreement to allocate public sewer capacity or to provide public water. Enactment shall not vest any rights in the applicant other than those afforded by the map amendment itself

221.C. USES PERMITTED BY RIGHT

1. **Amusement arcades**, subject to the requirements of Section 405 of this Ordinance.
2. **Banks and similar financial uses with or without ATMs**, provided that no drive-thru lane shall cross the street-side sidewalk.
3. **Bed and breakfasts and similar lodging facilities** with a maximum of ten (10) guest units subject to the requirements of Section 405 of this Ordinance.
4. **Bookbinding, printing, photocopying and publishing operations.**
5. **Caterers, bakers and confectioners** for retail sales.
6. **Commercial day care facilities**, subject to the requirements of Section 423 of this Ordinance.
7. **Medical, dental, optical and counseling clinics and offices** provided that no emergency treatment entrances shall be provided.
8. **Offices.**
9. **Public, private and commercial schools and training centers** with a maximum permitted size of 15,000 square feet of gross floor area per principal use.
10. **Public utilities structures.**

11. **Restaurants and taverns**, all with permitted outdoor seating;
12. **Nightclubs**, subject to the requirements of Section 463 of this Ordinance.
13. **Retail sale of goods and personal services** (including auto parts stores, without installation and convenience stores, but excluding adult uses) with a maximum permitted size of 15,000 square feet of gross floor area per principal use.
14. **Veterinary offices, and kennels**, with a maximum permitted size of 15,000 square feet of gross floor area per principal use provided that no outdoor keeping of animals is permitted, subject to the requirements of Section 487 of this Ordinance.
15. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, auditoriums, band shells, recital halls, cinemas, art galleries, libraries, museums, and art, fashion and photographic studios with a maximum permitted size of 15,000 square feet of gross floor area per principal use. This use shall expressly exclude off-track betting and/or slot machine parlors, shooting ranges, casinos, and adult uses.
16. **Commercial recreation facilities that are confined to indoor settings** such as bingo halls, billiard halls, bowling alleys, dance halls, skating and/or skate boarding rinks, and other recreation or entertainment establishments with a maximum permitted size of 15,000 square feet of gross floor area per principal use but expressly excluding adult uses, shooting ranges, off-track betting facilities, casinos, and slot machine parlors subject to the requirements of Section 425 of this Ordinance.
17. **Health, fitness, social, fraternal and other private clubs** with a maximum permitted size of 15,000 square feet of gross floor area per principal use subject to the requirements of Section 444 of this Ordinance.
18. **Multiple family dwellings that are confined to the second or higher floors** of a building that is designed and intended to contain some other permitted principal, non-residential use(s) (e.g. ground floor store or office, etc.)
19. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance
20. **Accessory uses** customarily incidental to the above permitted uses, including but not limited to:
 - A. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - B. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - C. **Recycling collection facilities** as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good, or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
 - D. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.

221.D. REQUIRED DEVELOPMENT SIZE

Subdivision of land within the Village Commercial Overlay Zone for the purpose of financial arrangements with building occupants, including fee simple purchase, leases, and ground leases is permissible. There shall be no minimum or maximum lot size established for subdivision of lots within the Village Commercial Overlay Zone.

221.E. BUILDING ORIENTATION AND LOCATION

1. Buildings shall be located and oriented to afford safe and convenient pedestrian access to a street-side sidewalk system along that adjoining street with the highest functional classification as listed in Section 320 of this Ordinance. In the event the Village Commercial Overlay Zone adjoins more than one street with the same functional classification, the Board of Supervisors shall decide along which street the street-side sidewalks shall be provided.
2. Any buildings located away from the street-side sidewalk shall have a direct physical pedestrian connection to the street-side sidewalk. Should such connection cross a parking lot or access drive it shall be via a designated crosswalk with stamped asphalt, concrete, stamped concrete or thermoplastic surfaces that are plainly discernable from the access drive or parking lot surface.
3. Buildings should also be designed so as to minimize adverse impact upon adjoining or nearby residential properties by proper siting and design of off-street loading, waste storage, outdoor lighting, signage and vehicular access.

4. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

- A. **Front yard setback** – All buildings, structures (except permitted signs) off-street parking lots and outdoor storage areas shall be set back a minimum of ten feet (10') from the street right-of-way, except that all new buildings within the Village Commercial Overlay Zone shall be set back a minimum of twenty feet (20') feet from the right-of-way of an arterial road.
- B. **Side yard setbacks** – No conventional setbacks are required between buildings within the Village Commercial Overlay Zone. All buildings and structures (except permitted signs) shall be set back at least thirty-five feet (35') from the side lot lines adjoining any land that is not part of the Village Commercial Overlay Zone development. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the side lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, the side yard setbacks can be waived solely for off-street parking lots and/or off-street loading spaces. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least thirty-five feet (35') from the side lot lines adjoining any land that is not part of the Village Commercial Overlay Zone development; such areas shall be used for a landscape strip and screen.
- C. **Rear yard setback** – No conventional setbacks are required between buildings within the Village Commercial Overlay Zone. All buildings and structures (except permitted signs) shall be set back at least thirty-five feet (35') from the rear lot lines adjoining any land that is not part of the Village Commercial Overlay Zone development. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the rear lot lines unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In

such instances, the rear yard setback can be waived solely for off-street parking lots and/or off-street loading spaces. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least thirty-five feet (35') from the rear lot lines adjoining any land that is not part of the Village Commercial Overlay Zone development; such areas shall be used for a landscape strip and screen.

5. Vending machines are prohibited outside of an enclosed building or its vestibule.

221.F. BUILDING HEIGHT REQUIREMENTS

1. Maximum height of any building constructed shall be thirty-five (35) feet or three stories, whichever is less, except that the top of the parapet and non-habitable architectural features (e.g. tower features, clock towers, skylights, etc.) and appurtenances usually required to be placed above the roof level (e.g. antennas, ventilators, HVAC units, etc.) may be permitted up to a maximum height of fifty feet (50').
2. Off-street parking provided through the use of a parking garage shall be permitted so long as the parking garage does not exceed the height of the closest building that the parking garage is to serve and that the parking garage is setback no less than thirty-five feet (35') or a horizontal distance equal to its height from all adjoining lots that are not part of the Village Commercial Overlay Zone and streets, whichever is the greater distance.

221.G. COVERAGE REQUIREMENTS

1. The maximum permitted lot coverage shall be seventy-five percent (75%) as applied to each individual lot, and/or principal use and the development as a whole.

221.H. ARCHITECTURAL AND AESTHETIC REQUIREMENTS

1. Developers are required to design and construct buildings that complement the Township's developing landscape.
2. In the design of the Village Commercial Overlay Zone special emphasis shall be placed upon architectural treatments and aesthetics, including integrated architectural treatments, landscaping, lighting, signage, streetscape amenities and pedestrian features to promote a cohesive and aesthetic appearance that is contextually appropriate, and that reflects the Township's heritage and vernacular architecture of Lehigh County.
3. All structures shall be designed by a registered architect, licensed in the Commonwealth of Pennsylvania. The applicant is required to submit written evidence of proposed architectural styles, details, palettes, cut-sheets, colored elevations and samples for Township approval during the subsequent land development and/or zoning permit review.
4. The developer's architect shall design the buildings that respect the form, scale, proportions and materials of the buildings constructed by the original settlers of the Township and the surrounding countryside. Inspiration can be found in the following building types: Farmhouses, bank barns, corn cribs, spring houses, summer kitchens, and other agricultural buildings including smoke houses, milk houses, and silos, as well as meeting houses, schoolhouses, grist mills, iron furnaces and lime kilns. Special attention shall be paid to historic buildings adjacent to the development when considering the design of adjacent buildings.

5. Buildings within the development shall be constructed of materials that are compatible with the traditional materials, using construction details that emulate the Township's historic architecture. Gabled roofs shall be built at a pitch of 8:12 minimum. Low slope roofs at 2:12 may be utilized for building canopies, pedestrian walkways and porches. Standing seam metal roofs are encouraged.
6. Where structures are grouped together, the architect shall take clues from traditional assemblages of buildings including family farms which typically include several agricultural buildings and industrial complexes including grist mill complexes which might include a mill race, a mill building with a water wheel and a miller's residence.
7. Storefront facades, and facades that are visible from a street, parking lot, sidewalk or pedestrian area, shall be designed in accordance with the following standards:
 - A. The architectural style of buildings shall be designed to incorporate façade ornamentation, building offsets, window treatments, variations in roof lines, entry treatments, bays, colonnades, recesses, pilasters, piers, columns or other architectural features.
 - B. Storefront facades and side facades greater than fifty (50) feet in length shall include entrance treatments, bays, offsets, colonnades, recesses, pilasters, piers, columns or other architectural features to break up the storefront façade and side facades at regular intervals so that there is no uninterrupted length of storefront façade and side facades which exceeds fifty (50) feet.
 - C. Storefront façades for uses that contain less than ten thousand (10,000) square feet of gross floor area and adjoin the street-side sidewalk shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than forty-five (45%) percent of the storefront façade's horizontal length.
 - D. Storefront façades for uses that contain greater than ten thousand (10,000) square feet of gross floor area and adjoin the street-side sidewalk shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than thirty percent (30%) of the storefront façade's horizontal length.
 - E. Each storefront façade shall have a clearly defined, highly visible customer entrance that includes architectural enhancements such as canopies, porticos, overhangs, recessed or projected entrances, raised cornice parapets, peaked roofs, arches, outdoor foyers, patios, display windows, planters, wing walls, landscaped sitting areas, or other architectural details integrated into the building's architectural design.
 - F. Storefront façades shall be composed of two or more exterior building materials. Storefront building materials may include wood, brick, stone, polished face masonry block or textured molded blocks, glass, stucco, EIFS or other similar materials. Such materials shall also wrap around visible corners of buildings where split-faced concrete and/or smooth faced concrete block is used on non-storefront facades.
 - G. Non-storefront façades shall be composed of two or more exterior building materials. Building materials may include wood, brick, stone, split-faced concrete block, smooth faced concrete block, polished face masonry block or textured molded blocks, glass, stucco, EIFS or other similar materials. In no case shall split-faced concrete be used on any façade adjoining a sidewalk or courtyard.

8. Signage within the Village Commercial Overlay Zone shall be designed in accordance with the following standards:
 - A. All signage shall be subject to design review and approval by the Township, and shall be installed only upon issuance of a Zoning Permit in accordance with Section 901 of this Ordinance.
 - B. All signage shall meet the requirements set forth in Section 322.D of this Ordinance.
 - C. Signs shall be compatible in design, color, and scale with building facades, adjoining structures, and surroundings.
 - D. Signs shall be externally illuminated.
 - E. Signs shall be constructed of materials that are consistent with the architectural treatments and aesthetics of buildings within the development; signs made of plastic are prohibited;
9. Roof top service equipment shall be screened from view from the perimeter boundary of the Village Commercial Overlay Zone, the street-side sidewalk and the parking areas through architectural treatments to roof lines and/or facades themselves. Roof features may include parapets, overhanging eaves, sloping roofs or other similar features.
10. Exterior spaces for individual uses shall have definite discernible boundaries that can be defined by ornate fences, walls, landscaping, and/or architectural configuration of structures themselves. The exterior spaces shall not encroach upon a minimum six (6) foot wide sidewalk as measured from and paralleling the landscape strip adjoining the street or access drive, but are encouraged to abut the sidewalk.
11. Outdoor dining areas may utilize porches, balconies, courtyards, plazas, and/or sidewalk cafe settings. Site amenities, such as decorative lighting, awnings, canopies, tables with chairs and umbrellas and etc., shall be provided to facilitate use of exterior spaces.
11. Banners may be installed within the Village Commercial Overlay Zone. Banners may contain the name of the property and shall create a unified identity and may be changed throughout the course of the year to reflect seasons or special events. The location of all poles and banners shall not obstruct site distance requirements at intersections.
12. Tables and chairs that are permanently installed and/or moveable may be utilized throughout the Village Commercial Overlay Zone. Varying styles and colors may be selected if such style and color complements the aesthetic ambiance of the Village Commercial Overlay Zone.
13. Bollards may be used to provide enclosure, control access, and/or serve as a means of separating pedestrian and vehicular circulation and minimizing potential conflicts. If used, bollards shall be permanently installed unless removable bollards are necessary to facilitate occasional access into an area for purposes of maintenance, conduct of special events, or provision of emergency services. The height and style of the bollard shall complement the aesthetic ambiance of the street-side sidewalk and Village Commercial Overlay Zone. Bollards with lighting shall be designed to prohibit glare. Light sources may or may not need to be concealed based upon the intended use of the bollard and the desired aesthetic effect.
14. Fences and walls may be utilized to define courtyards, outdoor dining areas, outdoor sales areas, and pedestrian oriented spaces, and to screen and separate uses and activities. Unless used for screening purposes or otherwise permitted in this section, no

such fence or wall shall exceed four (4) feet in height. The use of chain-link fence is prohibited. No fence or wall shall obstruct safe sight distance at intersections. Varying styles and colors may be selected if such style and color complements the aesthetic ambiance of the Village Commercial Overlay Zone.

15. Kiosks may be placed along the street-side sidewalk, amid any pedestrian oriented space, or at any entry court to a building to enhance orientation and/ or post announcements. Kiosk styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
16. Trash receptacles shall be permanently located throughout the development in selected areas along the sidewalks and within pedestrian oriented spaces. Receptacle styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
17. Dumpsters shall be located in the rear yard or interior service area. Dumpsters must be enclosed with an enclosure consisting of masonry, wood or framed structures with a separate pedestrian access gate/door which is self-closing and another truck access gate that must be kept closed when not in use. Dumpsters shall also be screened from the street-side sidewalk and any adjoining street or properties that are not a part of the Village Commercial Overlay Zone. All dumpsters shall be set back a minimum of fifty (50') feet from the right-of-way of an adjoining road right-of-way and a minimum of twenty-five (25') feet from adjoining properties that are not a part of the Village Commercial Overlay Zone. Refuse and recycling collection shall be the responsibility of the owner, and must comply with all applicable Township Ordinances.
18. Bicycle racks may be permanently located throughout the Village Commercial Overlay Zone in selected areas along the sidewalks and/or within pedestrian oriented spaces. Bicycle rack styles and colors shall complement the aesthetic ambiance of the Village Commercial Overlay Zone.
19. All utilities within the Village Commercial Overlay Zone shall be installed underground, except that above ground utilities may be installed at the perimeter of the Village Commercial Overlay Zone. All utility meters, electric transformers and satellite dishes shall be screened from public view from pedestrian areas in the Village Commercial Overlay Zone.
20. No outdoor storage of goods and materials shall be permitted. Outdoor sales and display areas shall be permitted only along the storefront provided that such areas shall not encroach upon a minimum six (6) foot wide sidewalk as measured from and paralleling the landscape strip adjoining the street or access drive.

221.I. VEHICULAR ACCESS REQUIREMENTS

1. Where applicable, a Village Commercial Overlay Zone shall provide an integrated system of privately-owned and maintained streets, access drives and service lanes. Access drives shall comply with Section 301 of this Ordinance.
2. Coordinated vehicular access among several adjoining commercial land uses is a priority within the Village Commercial Overlay Zone. When possible, applicants should seek to coordinate vehicular access onto an adjoining highway at one central location and then make use of shared access drives, off-street parking lots and off-street loading spaces. Additional "right-in and out" access locations may be provided along existing roads, subject to compliance with applicable standards of the SALDO and subject to PennDOT approval.

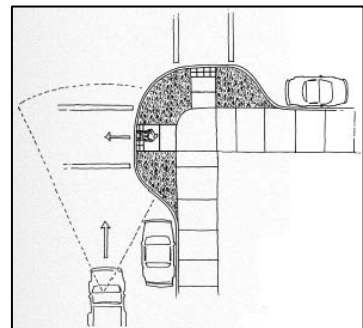
3. Provisions for patron drop-off and pick-up at entertainment venues such as theaters or restaurants may be provided along internal roads or access drives. Provision for package and materials pick-up by patrons may be provided along internal roads or access drives so long as such uses do not impede the safe and efficient flow of traffic and pedestrians on the site.
4. All interior access drives and service lanes shall be setback at least ten (10') feet from all adjoining streets and lots that are not part of this Overlay Zone.
5. The minimum width of a single-lane access drive is twelve (12) feet. The minimum width of a two-lane access drive is twenty (20) feet. The minimum width of any access drive containing more than two (2) lanes is ten (10) feet per lane.
6. Service lanes may be provided to each use that are generally separated from patron access drives and sidewalks. Service lanes shall have concrete curbs and may contain any of the following according to their following minimum specifications:

Feature	Required Width
One-way and two-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane	8 feet per side
45-degree angled on-street parking lane	20 feet per side
60-degree angled on-street parking lane	21 feet per side

221.J. PEDESTRIAN ORIENTED REQUIREMENTS

1. The Village Commercial Overlay Zone shall include a street-side sidewalk with pedestrian oriented spaces. The following considerations shall be applicable:

- A. All sidewalks shall be a minimum of six (6') feet in width and be clear of all pedestrian obstructions.
- B. Sidewalks shall be fitted with designated crosswalks at all access drive intersections. Crosswalks that are located at intersections of streets with on-street parking lanes shall be fitted with curbed sidewalk extensions that extend eight feet (8') on each side towards the other.
- C. Crosswalks shall be a minimum six (6) feet in width and shall be constructed of imprinted asphalt, imprinted hot thermoplastic markings, brick, cobblestone, concrete pavers, or concrete with an appropriate edge material to define the crosswalk.
- D. Accommodations shall be required to promote barrier-free access such as at-grade crossings or handicapped ramps. Use of bollards, planters, curbing or other similar features is required to physically define the edge of sidewalks, access drives, and off-street parking areas where grade separation is not provided.



E. The street-side sidewalk must:

- a. be constructed of themed surfaces that employ curbs, unit pavers, concrete, brick, cobblestone, granite, or any combination thereof. Use of bituminous asphalt for sidewalk surfaces is prohibited;
- b. be planted with a minimum of one (1) shade tree with a minimum caliper of two and one-half (2 1/2") inches measured six (6) inches above the root ball for every thirty (30') lineal feet of street-side sidewalk; however the maximum distance between any shade trees shall not exceed a maximum distance of fifty feet (50') on center. Shade trees may be planted at the grade of the sidewalk, within landscape planting areas, and/or within above ground planters. Trees planted within a sidewalk or paved pedestrian oriented space shall be provided with a tree grate and tree guard or within a raised planter with an eight (8) inch minimum height to edge of raised planter. Tree grates and tree guards shall not be required for trees planted within a grass strip between the sidewalk and curb or within an area with vegetative ground cover. Shade trees may be grouped so as not to block the view of signs and entrances.
- c. feature pedestrian improvements that enhance use and enjoyment, such as, but not limited to, shade trees, landscape plantings, permanent benches, tables, chairs and umbrellas, canopies and awnings, permanent waste receptacles, permanent bike racks, banners, decorative lighting fixtures, way-finding signs and etc.



F. In addition to the street-side sidewalk described above, the Village Commercial Overlay Zone shall contain a sidewalk system that completely interconnects it uses and provides for safe and convenient pedestrian connections to adjoining residential neighborhoods or activity centers. It must be at least six feet (6') wide and comply with the same surface, shade tree and pedestrian improvement requirements for street-side sidewalks as listed in the above Sections 221.J.1.E.a., b., and c. of this Ordinance. As an alternative the Village Commercial Overlay Zone may employ a pedestrian path that completely interconnects it uses and provides for safe and convenient pedestrian connections to adjoining residential neighborhoods or activity centers. Such path must be at least six feet wide and have a durable dust free surface that is suited for year-round pedestrian use.

G. All sidewalks within the Village Commercial Overlay Zone may connect with:

- a. pedestrian oriented spaces that are used as gathering places with amenities such as fountains, playlots, sculptures, outdoor entertainment venues, pavilions, plazas, flower gardens, promenades, cafés, courtyards, kiosks, and outdoor vending areas; and,
- b. pedestrian oriented spaces that are used for outdoor café seating and/or merchandise and vendor carts used to sell handicrafts, flowers, snacks, beverages and similar items.

221.K. OFF-STREET LOADING SPACES

1. Off-street loading spaces shall be provided as specified in Section 313 of this Ordinance.
2. For the purposes of computing required number of off-street loading spaces for uses in buildings that are located on the same side of a street and share access to the same off-street parking lot may combine their gross floor area and share a loading space provided the location of the shared loading space is within two hundred feet (200') of each use's service entrance and it can be demonstrated that the scheduled delivery of products will not occur at the same time for each use.
3. Off-street loading spaces for uses that contain no more than 10,000 square feet of gross floor area may be located upon required off-street parking spaces provided the use of such off-street parking spaces for loading purposes does not interfere with vehicular circulation within the use's parking lot and the applicant demonstrates that the use of such off-street parking spaces for loading purposes will occur only during non-peak use periods.
4. Sections 221.K.2. and 221.K.3. of this Ordinance may be used together if all requirements can be satisfied by each use, respectively.

221.L. PARKING REQUIREMENTS

1. Off-street parking shall be provided at a rate of one space for each 222 square feet of gross floor area (or fraction thereof) for the following uses and designed in accordance with Section 314 of this Ordinance:
 - A. Banks and similar financial uses;
 - B. Bookbinding, printing, photocopying and publishing operations;
 - C. Caterers, bakers and confectioners for retail sales;
 - D. Offices;
 - E. Restaurants cafes, coffee shops, delicatessens, taverns, microbreweries and nightclubs, all including outdoor seating and indoor entertainment venues; and,
 - F. Retail sale of goods and personal services;
2. Off-street parking for those uses permitted not listed in the above Section 221.L.1. of this Ordinance shall be provided at the rate required by and designed in accordance with Section 314 of this Ordinance. Applicants are encouraged to make use of joint parking lots enabled under Section 314. P. of this Ordinance.
3. For the purposes of calculating parking provided, an on-street parking space may be included when such space sets solely in front of the respective lot. On-street parking spaces that set in front of two lots shall be assigned to that lot which has the greatest lot width along the on-street parking space.

221.M. SIGNS – Signs shall be permitted as specified in Section 322 of this Ordinance.

221.N. SCREENING

A visual screen must be provided along any adjoining lands within an OSR, R-1, R-2, or R-3 Zone, regardless of whether or not the OSR, R-1, R-2, or R-3 Zone property is developed (see Section 321 of this Ordinance).

221.O. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

221.P. LIGHTING STANDARDS

1. Except as modified below, all uses shall comply with the outdoor lighting standards contained in Section 310 of this Ordinance.
2. Lighting fixture style and intensity for poles, bollards, signage, landscaping, and façades, shall complement the architectural style, aesthetics, and desired ambiance envisioned for the Village Commercial Overlay Zone. All lighting shall be arranged so as to deflect light away from any streets (except street lights) and, adjoining property that is not within the Village Commercial Overlay Zone.
3. Except as permitted in Sections 310.F.2.A.iii. and 310.F.2.A.iv. of this Ordinance, all sidewalks shall be fitted with full cut-off decorative lighting fixtures that are located a maximum of 50 feet on center. Light fixtures shall not exceed a maximum permitted height of twelve feet (12') along the sidewalks and a maximum permitted height of eighteen (18) feet elsewhere within Village Commercial Overlay Zone.
4. Poles and standards supporting lighting fixtures, except wooden poles or standards, shall be suitably protected from collision by vehicles by being placed atop a concrete pedestal at least 18 inches high or protected by steel bollards, or when directly behind parking spaces set back a minimum of 5 feet behind tire stops or edge of pavement.

221.Q. NOISE STANDARDS

All uses shall comply with the noise standards contained in Section 312 of this Ordinance.

221.R. OPERATIONS STANDARDS

All operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 317 of this Ordinance.

221.S. OUTDOOR STORAGE

Within this Overlay Zone, no outdoor storage is permitted.

221.T. GENERAL PROVISIONS

All uses permitted within this Overlay Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

221.U. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Overlay Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

221.V. MODIFICATION OF DESIGN STANDARDS

1. At their sole discretion the Board of Supervisors may permit the modification of the standards contained within Sections 221.E., 221.F., 221.G., 221.H., 221.I., 221.J., 221.K., 221.L., and 221.M. of this Ordinance in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:
 - A. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
 - B. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone; and,
 - C. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections.
2. Any refusal to modify a standard under the requirements of this Section 221.V. of this Ordinance shall not be construed to be an order, determination or decision that is subject to appeal.

SECTION 230 – INDUSTRIAL ZONE I

230.A. PURPOSE OF ZONE

This Zone provides for a wide variety of industrial uses and activities that contribute to the Township's economy and tax base while offering local and regional employment opportunities. Small scale and light industrial uses are permitted by right while larger and heavier forms of industry require conditional use approval.

Design standards imposed provide for varying scales of industry and related services to accommodate a range from individual entrepreneurs through large corporations. Spacious setbacks, strict outdoor storage and off-street loading space location and orientation standards, generous landscape buffer strips and incentives for shared vehicle access and off-street parking all combine to create a tidy and campus-like setting.

The Township acknowledges development opportunities available within the adjoining Enterprise Zone E and specifically enables the optional extension of such uses within this Industrial Zone by reference. Any uses proposed as an extension of the E Zone shall be governed by the regulations within the E Zone and the requirements of this Zone shall be superseded.

230.B. USES PERMITTED BY RIGHT

1. **Any use permitted by right within the Enterprise Zone**, subject to the requirements of Section 231 and any other sections therein referenced within this Ordinance.
2. **Automobile service and repair facilities** including, but not limited to, auto mechanics, drive-thru lubrication services, and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops, subject to the requirements of Section 411 of this Ordinance.
3. **Banks and similar financial institutions.**
4. **Bookbinding, printing, and publishing operations.**
5. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 422 of this Ordinance.
6. **Commercial day care facilities**, subject to the requirements of Section 423 of this Ordinance.
7. **Commercial produce operations**, subject to the requirements of Section 424 of this Ordinance.
8. **Commercial greenhouses.**
9. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.

10. **Fish hatcheries and/or fish farms**, subject to the requirements of Section 438 of this Ordinance.
11. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
12. **Laboratories for medical, scientific, or industrial research and development;**
13. **Laundry plants;**
14. **Machine, tool and die, and metal fabrication shops;**
15. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - a. Furniture, cabinets, plumbing, heating, air conditioning, ventilation and electrical fixtures, ceramic, stone, vinyl, fiberglass and linoleum tiles, carpets and rugs, windows, doors, insulation, ceiling and roofing tiles, household appliances, finished lumber and other household appointments;
 - b. Scientific, medical, optical, specialized, and technical instruments and equipment;
 - c. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 - d. Office equipment, supplies, furnishings, and equipment;
 - e. Packaging materials, supplies and equipment;
 - f. Paper, cardboard and Styrofoam products;
 - g. Finished textile products;
 - h. Cosmetics, drugs, dyes, toiletries, perfumes and other pharmaceuticals;
 - i. Brushes, brooms, and combs;
 - j. Hot tubs, spas, saunas, and swimming pools;
 - k. Jewelry, and other precious or semi-precious metals and stones;
 - l. Photographic, lighting, and timekeeping equipment;
 - m. Hand tools, hardware, power tools and small engine equipment and vehicles including but not limited to lawn mowers, chain saws, compressors, power washing equipment, motorcycles, and outboard boat motors;
 - n. Musical instruments, sporting equipment, bicycles and toys; and,
 - o. Small or novelty products from prepared materials (excluding the use of sheet metals).
16. **Mass transit and/or taxicab terminals.**
17. **Medical, dental, optical and counseling clinics and offices** provided that any use offering emergency medical treatment shall orient its emergency vehicle access and emergency building access on the side of a building not facing an adjoining OSR, R-1, R-2 and/or R-3 Zones.
18. **Offices.**
19. **Processing, packaging, bottling, storage and/or wholesaling of food products excluding:**

- a. Pickling processes;
 - b. Rendering or slaughtering operations; and,
 - c. Sugar refineries.
- 20. **Public utilities structures.**
- 21. **Repair shops for products permitted to be manufactured in this Zone.**
- 22. **Sales, storage and/or wholesaling of the following:**
 - a. Home and auto-related fuels;
 - b. Nursery and garden materials, and stock;
 - c. Redi-mix concrete;
 - d. Contractor supplies; and,
 - e. Plumbing, heating, air conditioning, electrical, and other structural components of buildings.
- 23. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- 24. **Shops, offices and showrooms for contractors** of painting, power-washing, plumbing, heating, air conditioning, electrical, electronic, telephone, antennas and cable, communications, roofing, flooring, drywall and plaster, basement waterproofing, carpet, countertops, glass and windows, insulation, gutters and downspouts, well drilling and septic system installation, maintenance and pumping, woodworking, carpentry and cabinet-making, swimming pools, hot tubs and spas, lawn care and landscaping, masonry, concrete and paving, pest control and snow removal.
- 25. **Sign makers.**
- 26. **Small engine repair shops.**
- 27. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way, subject to the requirements of Section 201.F. of this Ordinance.
- 28. **Veterinary offices, animal hospitals or kennels.**
- 29. **Vocational, technical and mechanical trade schools.**
- 30. **Welding shops.**
- 31. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;

- a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
- b. **Athletic fields and courts and recreation facilities.**
- c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
- d. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
- e. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
- f. **Power generation facilities.**
- g. **Recycling collection facilities as an accessory use**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.
- h. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- i. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- h. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
- i. **Sheds**, provided that no more than one (1) such shed shall be permitted for lots with up to 40,000 square feet of a principal residence. For lots with greater than 40,000 square feet, one (1) additional shed shall be permitted per each 20,000 square feet of lot area, or fraction thereof, in excess of the initial 40,000 square feet.

230.C. USES PERMITTED BY SPECIAL EXCEPTION USE (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.
- 2. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
- 3. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Section 444 of this Ordinance.

230.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Adult uses**, subject to the requirements of Section 402 of this Ordinance.
- 2. **Automobile auctions and/or storage yards**, subject to the requirements of Section 409 of this Ordinance.
- 3. **Billboards**, subject to the requirements of Section 414 of this Ordinance.

4. **Casinos, off-track betting parlors and/or slot machine parlors**, subject to the requirements of Section 419 of this Ordinance.
5. **Freestanding communication towers and equipment that is not co-located upon an existing structure** subject to the requirements of Section 440 of this Ordinance.
6. **Heavy equipment and/or commercial truck sales, service, and repair**, such as excavation machinery, commercial trucks, buses, farm equipment, manufactured homes, trailers, and other similar machinery, subject to the requirements of Section 445 of this Ordinance.
7. **Heavy industrial uses**, subject to the requirements of Section 446 of this Ordinance.
8. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
9. **Hospitals with related uses**, subject to the requirements of Section 451 of this Ordinance.
10. **Junkyards**, subject to the requirements of Section 453 of this Ordinance.
11. **Methadone treatment facility**, subject to the requirements of Section 460 of this Ordinance.
12. **Mini-warehouses**, subject to the requirements of Section 462 of this Ordinance.
13. **Mining, quarrying and related processing operations** including the recycling of related construction materials, subject to the requirements of Section 461 of this Ordinance.
14. **Principal waste handling, recycling, processing, transfer and disposal facilities**, subject to the requirements of Section 469 of this Ordinance.
15. **Recycling facilities for paper, plastic, glass and metal products**, subject to the requirements of Section 471 of this Ordinance.
16. **Sawmills**, subject to the requirements of Section 479 of this Ordinance.
17. **Slaughtering, processing, rendering, and packaging of meat products and their by-products**, subject to the requirements of Section 482 of this Ordinance.
18. **Truck or motor freight terminals**, subject to the requirements of Section 484 of this Ordinance.
19. **Truck stops**, subject to the requirements of Section 485 of this Ordinance.
20. **Warehousing and wholesale trade establishments**, subject to the requirements of Section 488 of this Ordinance.
21. **Power generation facilities** subject to the requirements of Section 492 of this Ordinance.

230.E. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FIGURE 230.E. LOT AREA, WIDTH & COVERAGE REQUIREMENTS WITHIN THE I ZONE			
Required Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
Public Sewer	1 acre	150 ft.	70%

230.F. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least fifty feet (50') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least thirty feet (30') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least thirty feet (30') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an OSR, R-1, R-2, or R-3 Zone shall maintain a seventy-five foot (75') setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, athletic fields and courts and recreation facilities, from the OSR, R-1, R-2, or R-3 Zone parcels. Such areas shall be used for a landscape strip and screen.

230.G. MAXIMUM PERMITTED HEIGHT

The height of any principal or accessory structure shall not exceed sixty feet (60'), except that uninhabitable structures and mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. Unless greater setbacks apply, any structure extending above thirty-five feet (35') from grade (except permitted signs) shall be set back a distance at least equal to its height from each property line.

230.H. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 313 of this Ordinance.

230.I. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 314 of this Ordinance.

230.J. SIGNS – Signs shall be permitted as specified in Section 322 of this Ordinance.

230.K. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with Section 301 of this Ordinance.

230.L. SCREENING

A visual screen must be provided along any adjoining lands within an OSR, R-1, R-2, or R-3 Zone, regardless of whether or not the OSR, R-1, R-2, or R-3 Zone property is developed (see Section 321 of this Ordinance).

230.M. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

230.N. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining OSR, R-1, R-2, or R-3 Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

230.O. OPERATIONS STANDARDS

All operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 317 of this Ordinance.

230.P. LIGHTING STANDARDS

All uses shall comply with the outdoor lighting standards contained in Section 310 of this Ordinance.

230.Q. NOISE STANDARDS

All uses shall comply with the noise standards contained in Section 312 of this Ordinance.

230.R. OUTDOOR STORAGE

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in Section 230.F. of this Ordinance. Section 318 lists additional requirements.

230.S. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

230.T. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

SECTION 231 – ENTERPRISE ZONE E

231.A. PURPOSE OF ZONE

The purposes of this Zone is to promote and provide, in appropriate and convenient locations, areas for industries and business organizations and institutions which have common characteristics and interests with respect to site requirements, desired amenities, compatibility of operations and highway access to locate employment centers oriented to research and development, administration, processing and related business activities (not including manufacturing processes except as hereinafter provided) in an environment relatively free from common commercial activities and general public traffic and relatively free from nuisances such as noise, vibration, air pollution or other generally detrimental aspects of common commercial and/or industrial and/or manufacturing uses. The intent is to permit the design and development of coordinated areas where administrative and service business offices, research and development laboratories may be located in an overall park-like setting with a shared infrastructure and aesthetic and functional compatibility with each other and adjacent land uses.

231.B. USES PERMITTED BY RIGHT

1. **Banks and similar financial institutions.**
2. **Co-located communication antennas upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 422 of this Ordinance.
3. **Commercial day care facilities**, subject to the requirements of Section 423 of this Ordinance.
4. **Convention and/or conference centers.**
5. **Emergency services**, subject to the requirements of Section 432 of this Ordinance.
6. **Facilities devoted to entertainment, cultural and spectator sporting uses**, including but not limited to theatres, playhouses, amphitheaters, concert halls, band shells, recital halls, athletic stadiums and/or arenas, cinemas, art galleries, libraries, museums, and art, dance, fashion and photographic studios. This use shall expressly exclude motor vehicle and animal racing venues, off-track betting and/or slot machine parlors, casinos, and adult uses.
7. **Forestry uses** subject to the requirements of Sections 201.G. and 517 of this Ordinance.
8. **Hotels and related uses.**
9. **Medical, dental, optical and counseling clinics and offices.**
10. **Laboratories for medical, scientific, or industrial research and development.**
11. **Manufacturing, packaging, storage and/or wholesaling of the following:**
 - a. Scientific, medical, optical, specialized, and technical instruments and equipment;

- b. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 - c. Office equipment, supplies, furnishings, and equipment;
 - d. Photographic, lighting, and timekeeping equipment;
 - e. Musical instruments; and,
 - f. Optical, dental, and medical supplies and equipment.
- 12. **Offices.**
- 13. **Public, private, commercial and vocational, technical and mechanical trade schools.**
- 14. **Public utilities structures.**
- 15. **Satellite dish antennas**, subject to the requirements of Section 478 of this Ordinance.
- 16. **Governmental uses and uses and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, and associated rights-of-way, subject to the requirements of Section 201.F. of this Ordinance.
- 17. **Town Center Core** developments subject to the requirements of Section 483 of this Ordinance.
- 18. **Accessory uses customarily incidental to the above permitted uses**, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 - a. **Alternative energy production facilities**, subject to the requirements of Section 404 of this Ordinance.
 - b. **Athletic fields and courts and recreation facilities.**
 - c. **Domestic composts**, subject to the requirements of Section 429 of this Ordinance.
 - d. **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 455 of this Ordinance.
 - e. **Park-n-Ride lots.**
 - f. **Play structures**, as defined herein, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and or rear lot line.
 - g. **Power generation facilities.**
 - h. **Recycling collection facilities as an accessory use**, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

- i. **Residential swimming pools**, subject to the requirements of Section 472 of this Ordinance.
- j. **Residential tennis / athletic courts**, subject to the requirements of Section 473 of this Ordinance.
- k. **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 476 of this Ordinance.
- l. **Sheds**, provided that no more than one (1) such sheds shall be permitted for each 20,000 square feet of lot area of a principal residence.

231.C. USES PERMITTED BY SPECIAL EXCEPTION USE (Subject to the review procedures of Section 804.C. of this Ordinance).

- 1. **Emergency service ventures**, subject to the requirements of Section 433 of this Ordinance.
- 2. **Farm-based education and entertainment use**, subject to the requirements of Section 435 of this Ordinance.
- 3. **Parking compounds**, subject to the requirements of Section 468 of this Ordinance.

231.D. USES PERMITTED BY CONDITIONAL USE (Subject to the review procedures of Section 905 of this Ordinance).

- 1. **Casinos, off-track betting parlors and/or slot machine parlors**, subject to the requirements of Section 419 of this Ordinance.
- 2. **Golf courses and driving ranges**, subject to the requirements of Section 443 of this Ordinance.
- 3. **Health, fitness social, fraternal and other private clubs**, subject to the requirements of Section 444 of this Ordinance.
- 4. **Heliports, as an accessory**, subject to the requirements of Section 447 of this Ordinance.
- 5. **Historic structure conversions**, subject to the requirements of Section 448 of this Ordinance.
- 6. **Hospitals with related uses**, subject to the requirements of Section 451 of this Ordinance.
- 7. **Mass transit and/or taxicab terminals**, subject to the requirements of Section 458 of this Ordinance.

231.E. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS – See the following table:

FIGURE 231.E. FLOOR AREA, LOT AREA, LOT WIDTH & LOT COVERAGE REQUIREMENTS WITHIN THE E ZONE			
Maximum Permitted Floor Area Ratio	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
50%	5 acres	250 ft.	50% ¹
¹ The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 231.U. of this Ordinance.			

231.F. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least one hundred feet (100') from the street right-of-way; off-street parking lots shall be set back a minimum of twenty-five feet (25') from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least sixty feet (60') from the side lot lines. Off-street parking lots, and off-street loading spaces shall be set back at least twenty-five feet (25') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for off-street parking lots and/or off-street loading spaces.
3. **Rear yard setback** – All buildings, structures, off-street parking lots, and off-street loading spaces shall be set back at least sixty hundred feet (60') from the rear lot line.
4. **Residential buffer strip** – Any lot adjoining land within an OSR, R-1, R-2, or R-3 Zone shall maintain a one hundred foot (100') setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, athletic fields and courts and recreation facilities, from the OSR, R-1, R-2, or R-3 Zone parcels. Such areas shall be used for a landscape strip and screen.

231.G. HEIGHT REQUIREMENTS

1. The height of any principal or accessory structure shall not exceed sixty feet (60'), except that uninhabitable structures and mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. Unless greater setbacks apply, any structure extending above thirty-five feet (35') from grade (except permitted signs) shall be set back a distance at least equal to its height from each property line.
2. Except for manufacturing plants and mass transit terminals, all principal uses with more than eighty thousand (80,000) square feet, but less than one hundred fifty thousand (150,000) square feet, of gross floor area shall be required to comply with the following requirements:
 - a. No less than forty (40%) percent of gross floor area of the building shall be located either above, below or both, the ground level floor of the use (i.e. 2 stories minimum); and,
 - b. In no case shall the height of any off-street parking garage exceed that of the principal building(s) that it serves.

3. Except for manufacturing plants and mass transit terminals, principal uses with one hundred fifty thousand (150,000) square feet or more, of gross floor area shall be required to comply with the following requirements:
 - a. No less than forty (40%) percent of gross floor area of the building shall be located either above, below or both, the ground level floor of the use (i.e. 2 stories minimum);
 - b. At least forty percent (40%) of the off-street parking provided for the proposed use shall also be located either above, below or both, the ground level floor of the use (i.e. 2 stories minimum); and,
 - c. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.

231.H. OFF-STREET LOADING SPACES

Off-street loading spaces shall be provided as specified in Section 313 of this Ordinance.

231.I. OFF-STREET PARKING

Off-street parking shall be provided as specified in Section 314 of this Ordinance.

231.J. SIGNS – Signs shall be permitted as specified in Section 322 of this Ordinance.

231.K. ACCESS DRIVE REQUIREMENTS

All access drives shall be in accordance with Section 301 of this Ordinance. No access drive shall intersect with an arterial road that existed on the effective date of this Ordinance.

231.L. SCREENING

A visual screen must be provided along any adjoining lands within an OSR, R-1, R-2, or R-3 Zone, regardless of whether or not the OSR, R-1, R-2, or R-3 Zone property is developed (see Section 321 of this Ordinance).

231.M. LANDSCAPING

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 321 of this Ordinance). A minimum twenty-five foot (25') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

231.N. WASTE PRODUCTS

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining OSR, R-1, R-2, or R-3 Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

231.O. OPERATIONS STANDARDS

All operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies. For a listing of some regulations, refer to Section 317 of this Ordinance.

231.P. LIGHTING STANDARDS

All uses shall comply with the outdoor lighting standards contained in Section 310 of this Ordinance.

231.Q. NOISE STANDARDS

All uses shall comply with the noise standards contained in Section 312 of this Ordinance.

231.R. OUTDOOR STORAGE

Within this Zone, outdoor storage is prohibited.

231.S. GENERAL PROVISIONS

All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3 of this Ordinance.

231.T. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Article 5 of this Ordinance.

231.U. ARCHITECTURAL STANDARDS

Developers are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for land development approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section, and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites shall be designed by licensed architects and/or engineers and constructed and maintained so that they:
 - h. Contribute to the Township's historic character with multiple stories as opposed to a typical one-story suburban or strip center arrangement;
 - i. Feature prominent customer entrances and exterior pedestrian amenities;
 - j. Make use of a combination of natural materials such as wood, brick, stone, concrete masonry split face block or synthetic materials that simulate natural materials such as textured molded block, glass, stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - k. Employ "earth-tone," "pottery-tone" or natural colors for primary wall surfaces;

- l. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties;
 - m. Employ pedestrian-level freestanding signs and/or attached signs; and/or,
 - n. Exceed energy efficiency standards under conventional building code requirements.
2. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
3. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of sixty percent (60%).
4. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another land development approval at that time.
5. Should any part of this Section 231.U. be declared invalid by the courts, the entire Section 231.U. shall be automatically repealed.

231.V. MODIFICATION OF DESIGN STANDARDS

At their sole discretion the Board of Supervisors may permit the modification of the design standards contained within this Section 231 in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

1. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
2. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the Zone;
3. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections; and,
4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 231.V. 1.-3.

Article 3

General Provisions

The regulations contained within Article 3 shall apply to all uses within the Township.

SECTION 301 ACCESS DRIVE REQUIREMENTS (NON-SINGLE-FAMILY DWELLING)

301.A. NUMBER PER LOT

Except as specified elsewhere, the number of access drives intersecting with a street may not exceed the equivalent of one (1) two-way access drive per each three hundred feet (300') of lot frontage and no more than a total of the equivalent of two (2) two-way access drives per lot frontage. The Township may restrict access to right turn only ingress and egress to ensure safe and efficient movements. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

301.B. SETBACKS

All access drives shall be set back at least:

1. Along arterial roads - Four hundred (400) feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted;
2. Along collector and local roads - Two hundred (200) feet from the intersection of any street right-of-way lines except that the creation of through intersections directly across the street are permitted;
3. Where applicable, a proposed access drive located on one side of a street shall be aligned so that it is directly across from another access drive or intersection on the opposite side of the street;
4. The following lists the minimum required setbacks between access drives located upon the same lot (measured from closest radii edges):

Adjoining Road Types (see Section 320 of this Ordinance)	Required Minimum Setback
Along an arterial road	400 feet
Along a collector road	200 feet
Along a local road	100 feet

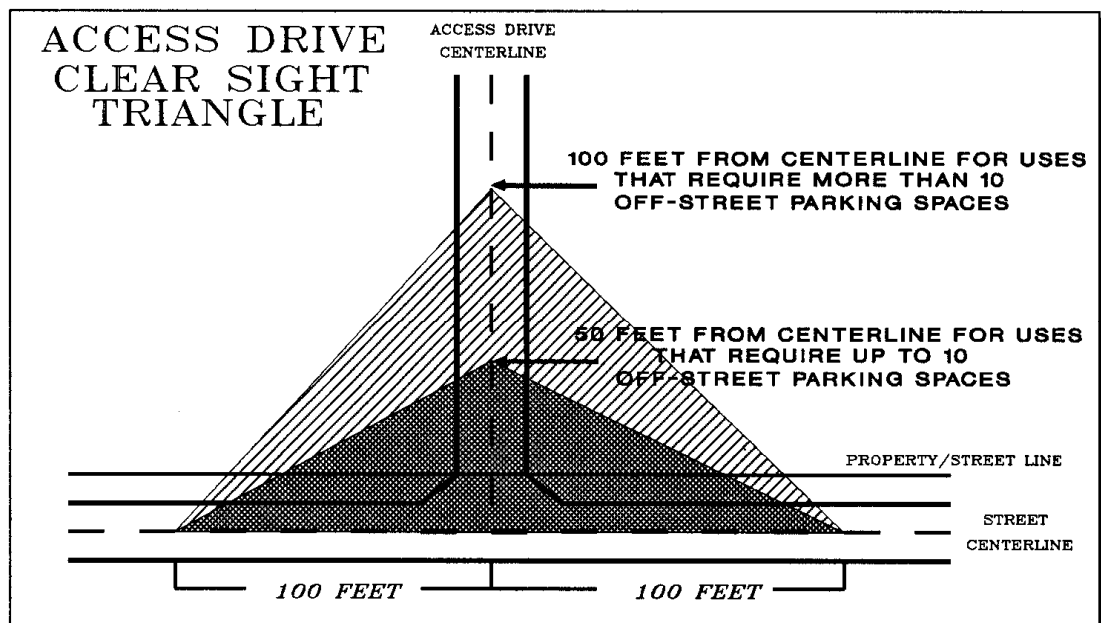
5. Fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
6. If any of the preceding required setbacks cannot be met the Zoning Hearing Board may grant a special exception to approve an alternate access drive design subject to the following criteria:

- a. There shall be a minimum 10-foot tangent distance between the end of the intersecting roadway radius and the beginning radius of a permitted access drive.
- b. The distance from the nearest edge of cartway of an intersecting roadway to the beginning radius of a permitted access drive shall be a minimum of 30 feet.
- c. If no other reasonable access to the property is available, and no reasonable alternative is identified, the access drive shall be located the farthest possible distance from the intersecting roadway. In such cases, directional connections (i.e., right in/right out only, right in only or right out only) may be required.
- d. The municipality shall require restrictions at the access drive if the Township engineer determines that the location of the access drive and particular ingress or egress movements will create safety or operational problems.

301.C CLEAR-SIGHT TRIANGLE

Access drives shall be located and constructed so that no permanent obstructions and/or plant materials over thirty inches (30") shall be placed within a clear-sight triangle of:

1. one hundred (100) feet as measured along the street centerline and fifty (50) feet as measured along the access drive for uses requiring up to, and including, ten (10) off-street parking spaces; and,
2. one hundred (100) feet as measured along the street centerline and along the access drive centerline is maintained for uses requiring more than ten (10) off-street parking spaces.



301.D. ACCESS MANAGEMENT ALONG ARTERIAL ROADS

Vehicular access for nonresidential land uses along arterial roads (See Section 320) shall incorporate, shared access drives among adjoining land uses with interconnected off-street

parking lots. Such shared access drives shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor.

301.E. SLOPE

Access drives shall not exceed a slope of four percent (4%) within seventy-five (75) feet of the intersecting street centerline and ten percent (10%) elsewhere;

301.F. SURFACING

The entire length and width of all access drives shall be provided and maintained with a paved surface as defined herein;

301.G. ACCESS DRIVE WIDTH

The following table specifies various access drive width requirements:

Function	Required Minimum Cartway Width
Two lanes of traffic without parallel parking*	24 feet
One lane of traffic without parallel parking**	12 feet
Median separating traffic lanes	4 feet
* Off-street parking lots must be provided in accordance with Section 314 of this Ordinance and the prohibition of on-street parking must be identified along the cartway.	
** The one-way direction of traffic must be identified along the cartway.	

301.H. ACCESS DRIVE THROAT LENGTH & RADIUS

The following table specifies various access drive throat length requirements:

Access Drive Type	Required Minimum Throat Length	Minimum Required Radius Uncurbed/curbed
Low volume (up to 750 vehicles per day)	50 feet*	15 ft. / 25 ft.
Medium volume (between 751 - 1499 vehicles per day)	120 feet*	
High volume (over 1499 vehicles per day)	150 feet*	as determined by traffic impact study or Township engineer
*Or as determined through a queuing analysis as part of a traffic impact study meeting the requirements of the SALDO.		

301.I. REQUIRED PERMIT

Any access drive intersecting with a State-owned road shall require the issuance of a highway occupancy permit from the Pennsylvania Department of Transportation. Any access drive intersecting with a Township-owned road shall require the issuance of a driveway permit from the Township.

301.J. SIGHT DISTANCE

Adequate sight distance shall be demonstrated on all plans and provided in accordance with *A Policy of Geometric Design of Highways and Streets*" by the American Association of State Highway and Transportation Officials, the Pennsylvania Department of Transportation, in "Publication 212, Engineering and Traffic Studies, both of which as may be amended and/or superseded. Such areas shall be kept free of improvements and vegetation or any other obstruction that would interfere with sight distance at a height greater than thirty inches (30").

301.K. ACCESS DRIVE CONFIGURATION

1. For uses requiring a traffic impact study meeting the requirements of the SALDO, access drives shall incorporate those features deemed warranted to minimize congestion (e.g. traffic signalization, dedicated turning lanes and signal cycles, acceleration / deceleration lanes, medians, one way access drives, etc.).
2. Channelization – When recommended in a traffic impact study as per Section 322, channelization islands and medians shall be used to separate conflicting traffic movements into specified lanes to facilitate orderly movements for vehicles and pedestrians. Where it is found to be necessary to restrict particular turning movements at an access drive, due to the potential disruption to the orderly flow of traffic or a result of sight distance constraints, the Township shall require a raised channelization island. Raised channelization islands shall be designed with criteria consistent with the latest AASHTO publication entitled *A Policy on Geometric Design of Highways and Streets*.

301.L. CONNECTION TO LESSER ROAD CLASSIFICATION

Whenever a use has the ability to connect its access drive(s) to either of two (2) different classifications of roads as listed in Section 320 of this Ordinance, the Township can require that such access drives be connected with that road of lower classification according to the following hierarchy:

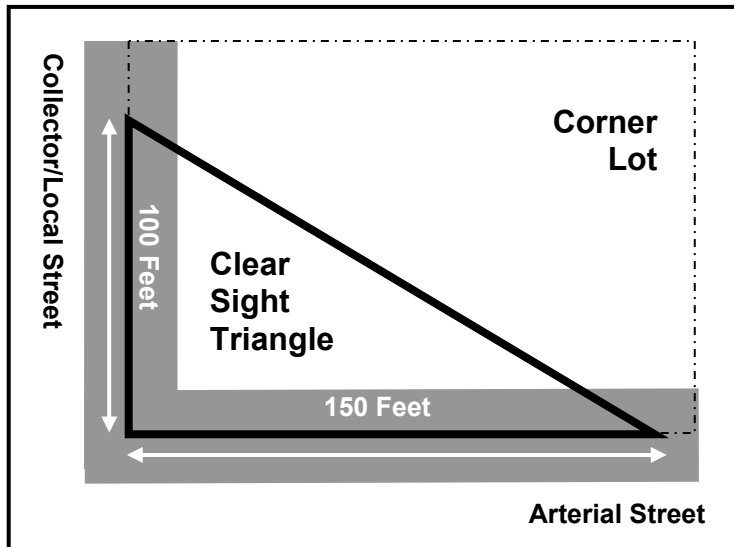
Highest Classification >>>>>>>>>>>>>>>>>>>>>> Lowest Classification					
Interstate	Arterial	Collector	Local		

SECTION 302 ACCESS TO PROPERTIES & STRUCTURES

- 302.A.** Every building hereafter erected or moved and every new principal use established shall be on a lot with frontage on a public or private street.
- 302.B.** Outparcel lots are permitted provided that they have adequate vehicular access in accordance with the SALDO and such uses shall be accompanied by a cross access easement in a form acceptable to the Township Solicitor. Outparcels relying upon an internal vehicular road network shall be designed to avoid excessive queuing across parking aisles..
- 302.C.** All structures shall be sited on lots in such manner to provide for safe and convenient access for servicing, fire protection, waste collection, required off-street parking and loading spaces. The erection of buildings without approved access shall not be permitted.
- 302.D.** Approved access shall be defined in terms of the Subdivision and Land Development Ordinance of Upper Saucon Township, as may be amended from time to time, for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings and farms shall be via driveways (see Section 304); access to lots containing other uses shall be via access drives (see Section 301).

SECTION 303 CLEAR SIGHT TRIANGLE

- 303.A.** On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred (100) feet, as measured along the centerline of each local and/or collector street or at least one hundred fifty (150) feet, as measured along the centerline of any arterial streets, from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted at a height greater than thirty (30) inches within such area. All such clear sight triangles shall be depicted upon proposed subdivision and land development plans and sketch plans for zoning permit applications.



- 303.B.** In addition, any vegetative material that creates a visual obstruction and is greater than thirty (30) inches in height, that existed on the effective date of this Ordinance, and that is located within the above-described clear sight triangle shall be considered nonconforming. Such vegetation may continue for a period not to exceed six (6) months from the effective date of this Ordinance. After six (6) months, such vegetation must be trimmed so as not to create a visual obstruction or be removed by the owner.
- 303.C.** Clear sight-triangles for driveways are regulated by Section 304.C. of this Ordinance. Clear sight-triangles for access drives are regulated by Section 301.C. of this Ordinance.

SECTION 304 DRIVEWAY REQUIREMENTS (SINGLE-FAMILY DWELLINGS AND FARMS)

304.A. NUMBER PER LOT

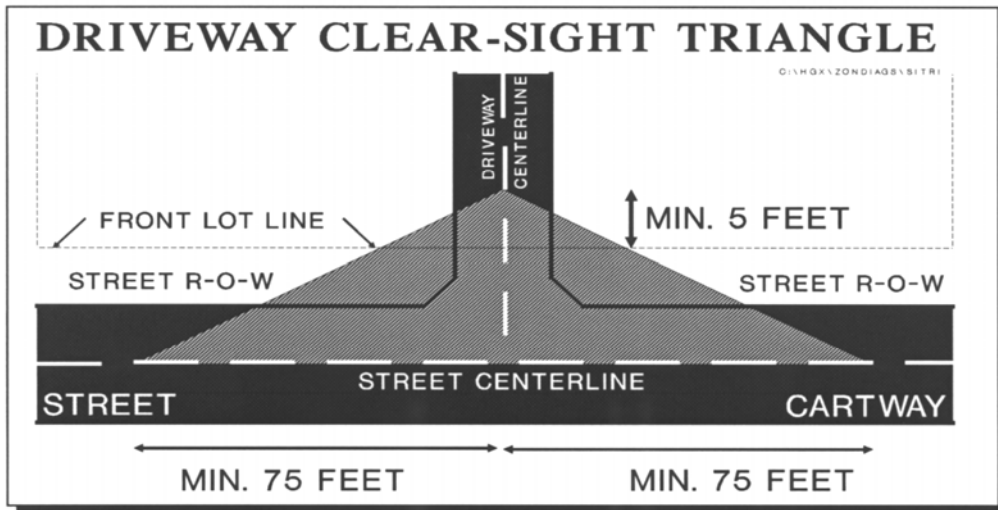
No more than one (1) driveway connection per lot frontage shall be permitted except that two (2) driveway connections shall be permitted along any lot frontage exceeding two hundred feet (200').

304.B. SETBACKS

Driveways shall not connect with a public street within sixty (60) feet of the right-of-way lines of any intersecting streets; except that driveways may connect with a local street as listed in Section 320 of this Ordinance directly opposite another local street or access drive. Driveways shall not connect with a public street within five (5) feet of a fire hydrant. Furthermore, no part of a driveway shall be located within five (5) feet from any adjoining side lot line, except as permitted in Sections 304.J., 304.K., 304.L., and 304.M. of this Ordinance;

304.C. CLEAR-SIGHT TRIANGLE & ADEQUATE SIGHT DISTANCE

1. Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet as measured along the street centerline and five (5) feet along the driveway centerline is maintained as depicted above. No permanent obstructions and/or plant materials over thirty (30") inches high shall be placed within this area; and,



2. Adequate sight distance shall be demonstrated on all plans and provided in accordance with "A Policy of Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials, the Pennsylvania Department of Transportation, in "Publication 212, Engineering and Traffic Studies, both of which as may be amended and/or superseded. Such areas shall be kept free of improvements and vegetation or any other obstruction that would interfere with sight distance at a height greater than thirty inches (30").

304.D. SLOPE

A driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way lines nor fifteen percent (15%) at any point;

304.E. ROAD CLASSIFICATION

Driveway access shall be connected to the street of lesser classification when there is more than one street classification involved;

304.F. DRIVEWAY SURFACE, WIDTH & APRON

No driveway shall provide a curb cut exceeding twenty-two (22) feet in width between the abutting street cartway and the street right-of-way. All driveways shall be paved or be constructed with a paved apron that extends from the street cartway to a depth of at least twenty feet (20') feet onto the subject property. Beyond the paved apron all driveways shall be provided with a dust free surface or in the alternative a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding paved apron to help collect any mud that may have attached to a vehicle's wheels;

304.G. REQUIRED PERMIT

Any driveway intersecting with a State-owned road shall require the issuance of a highway occupancy permit from the Pennsylvania Department of Transportation. Any driveway intersecting with a Township-owned road shall require the issuance of a driveway permit from the Township.

304.H. DRAINAGE

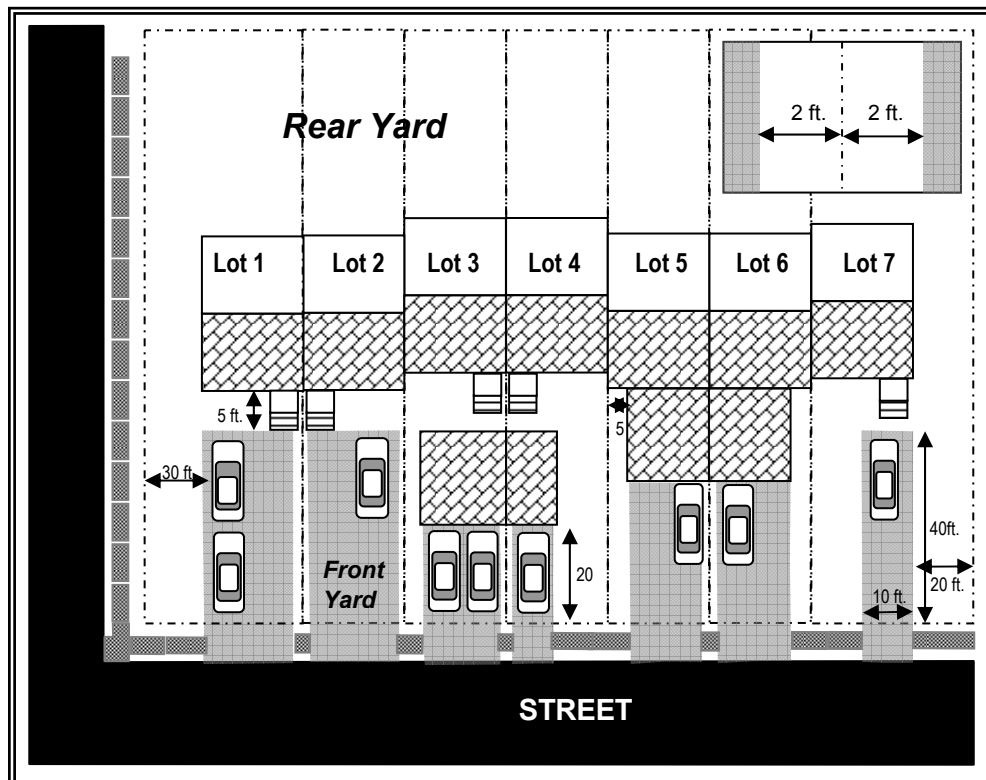
Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street;

304.I. VERTICAL CLEARANCE

Driveways shall maintain a vertical clearance of at least twelve (12) feet that is clear of obstructions and vegetation to facilitate emergency vehicle access.

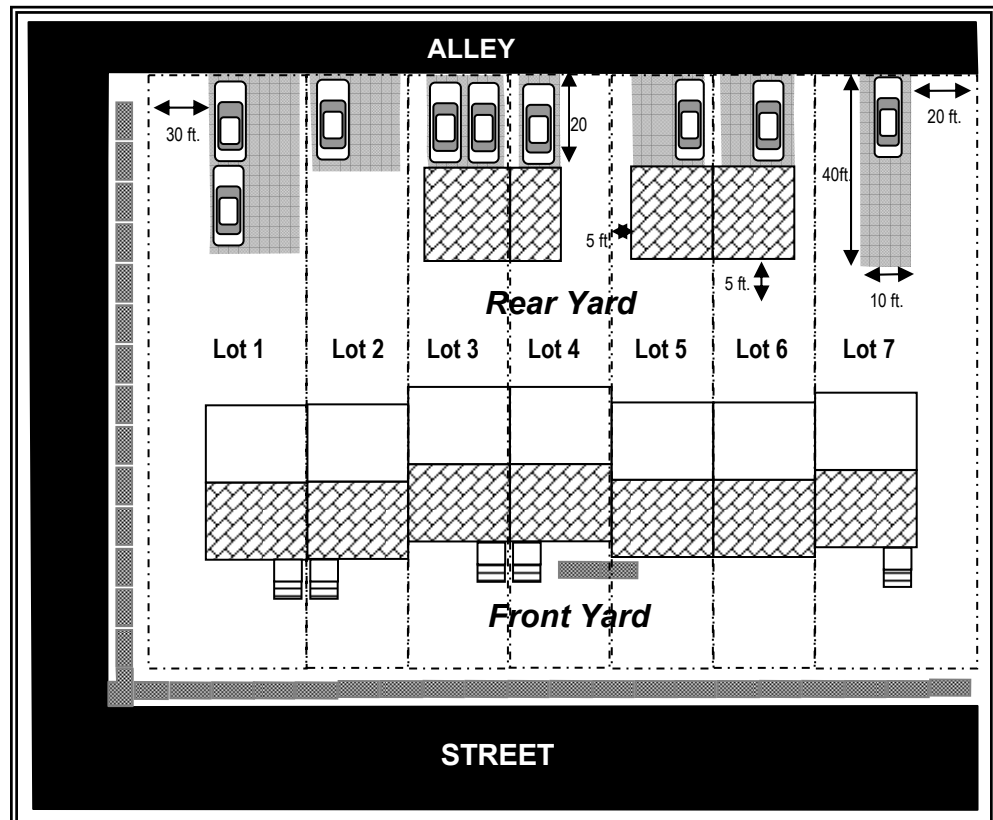
304.J. Townhouses on individual lots are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following regulations as depicted in the following diagram:

- A. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6 and see the inset in the following diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see LOT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the street right-of-way (see LOT 4);
 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOTS 4 & 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOTS 3 & 4); and,
 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



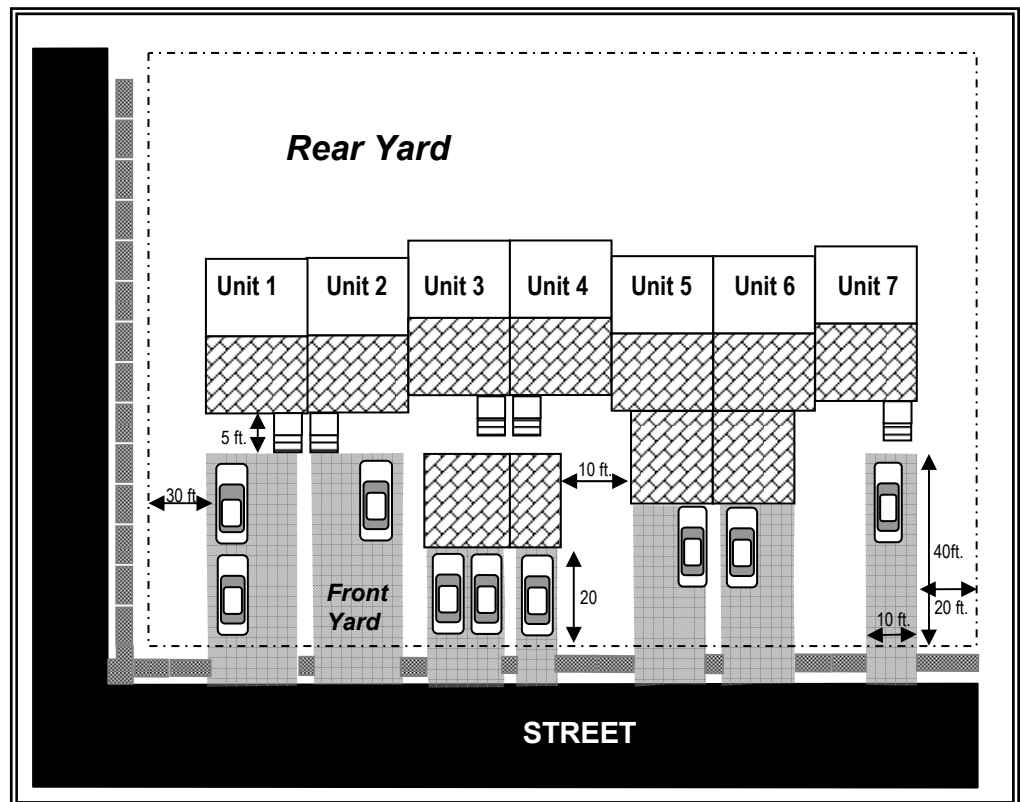
304.K. Townhouses on individual lots are permitted to utilize rear yard driveways and garages, if such driveways and garages comply with the following requirements as depicted in the following diagram:

- A. Such driveways must be separate on each lot and shall accommodate at least two (2) of the required three (3) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see LOT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage(see LOT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see LOT 3);
- E. Such driveways must be set back at least:
 1. two feet (2') from any lot line of an adjoining townhouse (see common lot lines between LOTS 1 & 2 and 5 & 6);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see LOT 1);
 3. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7); and,
 4. five feet (5') from the closest point of any building other than a garage.
- F. No individual driveway shall be narrower than ten feet (10') (see LOT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see LOT 4);
 2. five feet (5') from any lot line of an adjoining townhouse that does not share an attached garage (see common property line between LOT 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see LOT 6); and,
 4. twenty feet (20') from the lot line of an end unit that abuts another end unit or a nontownhouse use (see LOT 7).



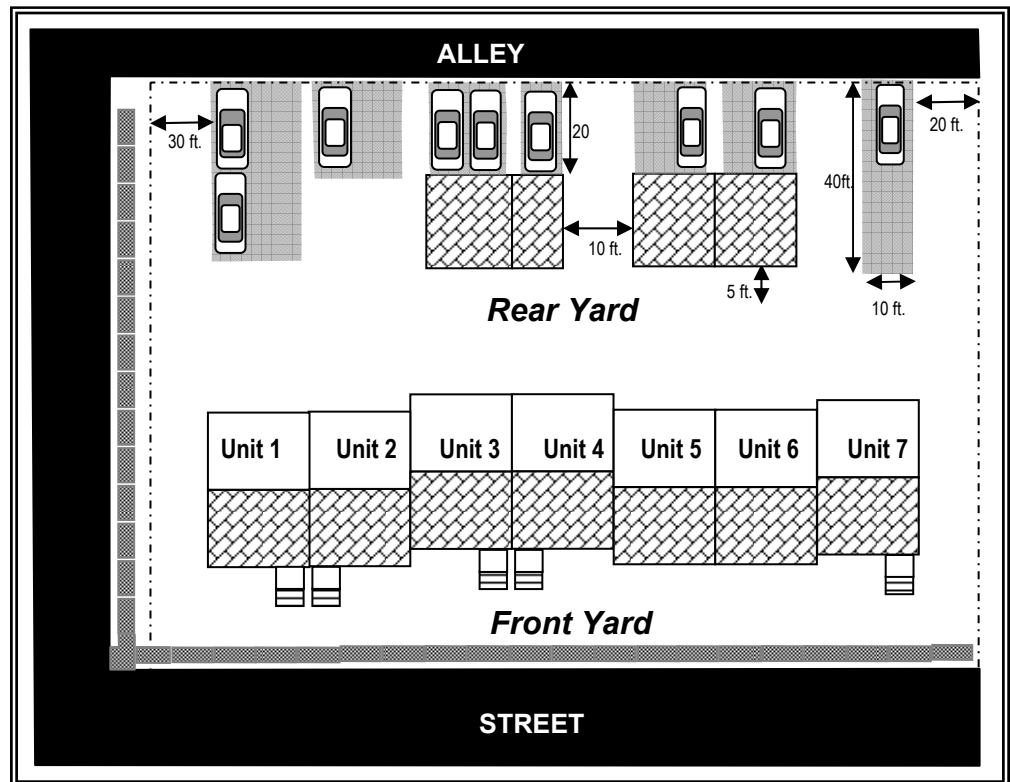
304.L. Townhouses on common property are permitted to utilize front-yard driveways and garages, if such driveways are only connected to local roads, and comply with the following requirements as depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNIT 3);
- E. Such driveways must be set back at least:
 1. four feet (4) from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 in the following diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see UNIT 1).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the street right-of-way (see UNIT 4);
 2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage (see UNITS 4 & 5);
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
 4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



304.M. Townhouses on common property are permitted to utilize rear yard driveways and garages, if such driveways are designed and constructed to comply with the following requirements depicted in the following diagram:

- A. Such driveways must be separate for each unit and shall accommodate at least two (2) of the required three (3) off-street parking spaces;
- B. Such driveway shall be at least forty feet (40') in length when single-width driveways are used without a garage(see UNIT 7);
- C. Such driveway shall be at least twenty feet (20') in length when single-width driveways are used with a garage (see UNIT 4);
- D. Such driveway shall be at least twenty feet (20') in length when double-width driveways are used with or without a garage(see UNITS 2 & 3);
- E. Such driveways must be set back at least:
 1. four feet (4') from any other driveway of an attached townhouse (see between UNITS 1 & 2 and 5 & 6 and see the inset in the above diagram);
 2. thirty feet (30') from the right-of-way of any street or alley which does not connect with the driveway (see UNIT 1);
 3. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7); and,
 4. five feet (5') from the closest point of any building other than a garage (see UNIT 6).
- F. No individual driveway shall be narrower than ten feet (10') (see UNIT 7);
- G. Garages must be attached to, and rely upon, a driveway as permitted above;
- H. Garages must be set back at least:
 1. twenty feet (20') from the rear lot line or alley cartway whichever provides the greater setback (see UNIT 4);
 2. ten feet (10') from any garage of an adjoining townhouse that does not share an attached garage;
 3. five feet (5'), from the townhouse building when the garage is a freestanding building (see UNITS 3 & 4); and,
 4. twenty feet (20') from a property line or a nontownhouse use or forty feet (40') from any other driveway of an end unit that abuts another end unit (see UNIT 7).



SECTION 305 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

More than one principal use may be established on a single lot only when each use complies with all of the lot area, yard and all other requirements of this Ordinance as though it were on an individual lot, and a plan has been recorded in compliance with the SALDO. An applicant for more than one principal use on a lot shall be required to submit information and detailed plans that demonstrate compliance with this Section (e.g. ghost property lines, and related setbacks, respective ghost lot coverage calculations and etc.)

SECTION 306 FENCES AND WALLS

306.A. Notwithstanding other provisions of this Ordinance, within the SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zones fences and walls are permitted within required yard areas, provided that no fence or wall (except agricultural, required junkyard or tennis court walls or fences, or a retaining walls as noted below) shall be erected to a height of more than:

1. three (3) feet in a front yard unless said fence or retaining wall is located behind the required front yard setback for principal uses in which case the fence may extend up to a maximum height of four (4) feet; except that,
2. fences and retaining walls erected upon reverse frontage lots may extend up to height of six (6) feet within that front yard that does not contain vehicular access; and,
3. six (6) feet in any side or rear yard.

306.B. Fences shall be installed so that the finished side faces outward from the property upon which it is located.

306.C. Notwithstanding other provisions of this Ordinance, within the C, I and E Zone, no fence or wall (except agricultural, required junkyard or tennis court walls or fences, or a retaining walls as noted below in Section 306.D.) shall be erected to a height of more than ten (10) feet in any yard.

306.D. The use of retaining walls higher than three (3) feet up to a maximum height of twelve feet (12') is permitted, subject to the following findings:

1. That the proposed height of the retaining wall is necessary to facilitate an efficient use of the site and/or protect an important or sensitive natural or cultural feature of the site;
2. That the applicant has submitted written expert evidence from a professional engineer registered to practice within the Commonwealth of Pennsylvania that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern and/or underground utility lines nor interfere with their rights-of-way;
3. That the applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and/or vehicle movement areas to ensure adequate vehicle and pedestrian safety; and,
4. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each property line.

306.E. No fence shall cause visual blockage within the clear sight triangle requirements of Sections 301.C., 303 and 304.C. of this Ordinance.

306.F. The use of barbed wire and electric fences are expressly prohibited except in the case of agricultural fences used to contain livestock.

- 306.H.** Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal.

SECTION 307 FRONT YARD SETBACK EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the Zone, the front yard required for a principal dwelling may be reduced to a depth equal to the average of the two (2) adjoining lots, provided that in no case shall the front yard be less than twenty (20) feet from an abutting street right-of-way line.

SECTION 308 INDIVIDUAL LOT GRADING PLANS

- 308.A.** Unless subject to a subdivision or land development improvements agreement and except as related to the tilling of soil for farming or gardening purposes or as noted in Section 513.F. of this Ordinance, any action involving an “area of disturbance” (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process. Such individual lot grading plan shall be prepared by a professional registered engineer, landscape architect or professional land surveyor. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan that was not depicted on said plan shall require approval of a revised individual lot grading plan and issuance of another zoning permit.
- 308.B.** The Zoning Officer shall refer the individual lot grading plan to the Township Engineer who shall review it in accordance with generally accepted engineering standards and principles. Upon approval of the individual lot grading plan by the Township Engineer, the accompanying zoning permit may be issued by the Zoning Officer, provided the proposed actions and uses comply with Section 513 and all applicable provisions of this Ordinance.
- 308.C.** Individual lot grading plans shall (unless authorized by prior written approval by the Zoning Officer because of the large size of the property) be drawn at a scale not smaller than 1 inch equals 20 feet (1"=20'). Individual lot grading plans shall include the following information:
1. The name and address of the applicant;
 2. All property lines and the lot area calculation;
 3. A North reference and scale bar;
 4. The street address and lot number shown on the subdivision plan of record, if applicable;
 5. The footprints of all existing and proposed structures, with labeled distances thereof from all lot lines;
 6. Graphic depiction of the applicable front, side and rear yard setbacks, easements, rights-of-way, and other applicable restriction lines. Where any existing or proposed structure does or will encroach upon an applicable setback, easements, rights-of-way or other restriction line, the individual lot grading plan shall list the date of receipt of the variance to allow the reduced setback distance and the applicant shall attach a copy of said decision with the individual lot grading plan;
 7. The size and location of all existing and proposed easements, rights-of-way, utilities (including locations of all percolations of primary and secondary on-lot sewage disposal systems, where applicable), streets, curbs, sidewalks, driveways, access drives, drainage facilities (pipes, swales, etc.), and other improvements on or abutting the lot. For corner lots, a dimension shall be given from the centerline of any

proposed driveways and/or access drives to the centerline of the parallel street and the clear sight triangle easement shall be drawn;

8. Any existing and proposed restrictions on structures or use of the lot;
9. The existing and proposed contour elevations (and an associated benchmark within 200 feet of the lot) at intervals of not greater than two (2) feet. If the lot was created or established pursuant to, or is shown on any Township-approved subdivision and/or land development plans, the proposed contour elevations must generally conform with those shown on the most recently Township-approved individual lot grading plan for such approved subdivision and/or land development plans, in particular along the perimeter of the lot, unless revised contour elevations are pre-approved in writing by the Zoning Officer;
10. Identification of areas with existing slopes of 15%-25% and greater than 25%, with a tabulation of the total areas and proposed disturbed areas for each of these two slope categories; and
11. The proposed elevations for the garage floor at the overhead door and first floor, top of foundation, top of grade at the foundations, and finished street along the points of the proposed ingress to the lot. Also, proposed basement floor elevations for walkout basements.
12. The plan shall depict all mature trees (six [6] inches or greater in diameter measured at four and one-half [4.5] feet above ground) proposed for removal in accordance with Section 516 of this Ordinance.
13. The individual lot grading plan shall contain pre- and post-construction sedimentation and erosion control measures and stormwater management plans, and shall demonstrate the adequacy of said measures and plans.
14. As applicable, the plan shall include the following sealed statement: *"The impervious surface area proposed is in accordance with the approved stormwater management plan for the tract and the revisions are in compliance with all applicable stormwater management requirements."*

SECTION 309 HEIGHT LIMIT EXCEPTIONS

309.A. Except as relating to light poles for outdoor recreation as listed in Section 310.F.12. of this Ordinance, the height regulations do not apply to the following structures or projections provided such structures or projections do not exceed a maximum height of one hundred and ninety-nine feet (199'), are set back a horizontal distance at least equal to their height from any property line, are not used for habitable floor space, comply with applicable FAA regulations and are constructed in accordance with the prevailing Uniform Construction Code:

1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, clock or bell towers, spires, steeples, belfries, cupolas, monuments, dormers, satellite dishes, electrical transmission lines and structures, conveyors, derricks, skylights, solar energy collectors and other similar structures;
2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances;
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line; and,
4. Church or school roofs.

- 309.B.** In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use; and,
- 309.C.** In lieu of this section, telecommunications towers, wireless communication facilities, and similar antennae shall be subject to the regulations of Sections 422 and 440 of this Ordinance.

SECTION 310 LIGHTING REQUIREMENTS

310.A. PURPOSES

This Section is enacted for the following purposes:

1. To establish requirements for outdoor lighting installations which promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting;
2. To protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting installations located on adjacent properties and roadways;
3. To prohibit outdoor lighting installations which are of excessive intensity and/or are deficient of photometric control such that the resulting glare and light trespass create a nuisance to pedestrians, cyclists, or motorists on neighboring properties and roadways;
4. To promote outdoor lighting installations which serve to enhance the nighttime safety and enjoyment of pedestrians, cyclists, and motorists throughout the community;
5. To set forth outdoor lighting requirements which are consistent with lighting industry standards and practices, available technologies, and the lighting sciences.

310.B. APPLICABILITY

The requirements of this Section 310 shall apply to the following outdoor lighting installations:

1. Outdoor lighting installations which are newly designed, constructed, erected, or otherwise placed into operation after the effective date of this Ordinance;
2. Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this Ordinance, and which involve the complete replacement of an existing lighting system with a new lighting system.
3. Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Ordinance, the new fixture must meet the standards of this Section.

310.C. NON-APPLICABILITY

The requirements of this Section shall not apply to, nor be retroactive to, existing outdoor lighting installations which began operation before the effective date of this Ordinance. Routine maintenance of said existing outdoor lighting installations shall not be required to comply with the requirements of this Section. Routine maintenance activities include the

following:

1. Replacement of lamps that are burned-out or inoperative.
2. Replacement/repair of damaged or inoperative fixture components such as ballasts, ignitors, lenses, reflectors, refractors, sockets, or photocell controls.

310.D. ADOPTIONS BY REFERENCE

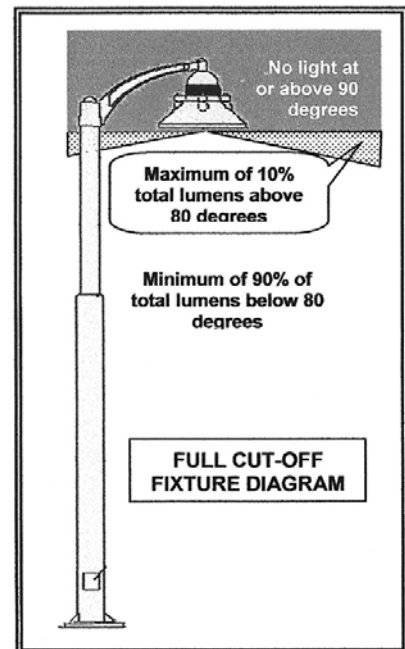
1. Unless superseded by requirements listed in this Section 310 of this Ordinance, the "IESNA Lighting Handbook," most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), is hereby adopted by reference and made a part hereof as if fully set out in this Section. The publication is on file in the Township Office.
2. Unless superseded by requirements listed in this Section 310 of this Ordinance, the publication, a copy of which is on file in the Township Office, being marked and designated as "American National Standard, Nomenclature and Definitions for Illuminating Engineering", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI), and referred to in this Section as "The ANSI/IESNA Lighting Definitions," is hereby adopted by reference and made a part hereof as if fully set out in this Section.

310.E. DESIGN CALCULATIONS IN ACCORDANCE WITH THE IESNA LIGHTING HANDBOOK

In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

310.F. PERFORMANCE STANDARDS.

1. In the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones or from the public street. The light source shall be downcast, hooded, shielded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below.
2. In the C, VC, I and E Zones, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property or from the public street.
 - A. Use of Full Cutoff Fixtures Required. Except as noted below in Sections 310.F.2.A.iii. and iv., all fixtures employed in outdoor lighting installations shall be the full cutoff fixture type.



- i. The candlepower distribution classification of the fixture as a cutoff type shall be in accordance with the ANSI/IESNA Lighting Definitions and the IESNA Lighting Handbook. The manufacturer of the fixture shall provide certification of the cutoff classification based on photometric testing performed in accordance with the IESNA Lighting Handbook and the applicable testing procedures referenced therein. The requirement for the use of full cutoff fixture types shall include, but is not limited to, the following outdoor area and roadway lighting configurations:
 - a. Pole-mounted fixtures.
 - b. Fixtures mounted on the exterior of buildings and structures.
 - c. Fixtures mounted on or within exterior canopies of buildings and structures.
 - d. Pedestal-or bollard-mounted fixtures.
- ii. Full cutoff fixtures shall be mounted plumb and level in accordance with the intended application of their design. For the purposes of this requirement, the center of the downward angle of the fixture (zero degree vertical angle of the candlepower distribution) shall be oriented plumb and the vertical angle of 90 degrees above the horizon shall be oriented level. Full cutoff fixtures shall not be installed in a canted or tilted position which permits candlepower distribution above the horizontal.
- iii. Fixtures which do not meet the strict definition for full cutoff fixtures, yet employ advanced or alternative technology which causes the photometric performance to approach that of full cutoff fixtures, may be approved by the Township, on a case-by-case basis. Such fixtures include, but are not limited to, period-style fixtures with refractive globes and internal cutoff reflectors.
- iv. Fixtures with a total initial lumen output of 10,000 lumens or less shall be permitted for decorative, accent, or supplementary lighting applications provided that glare shields are incorporated which cut off the candlepower distribution at and above the horizontal (level).

3. Illumination Levels

Outdoor lighting, where required by this or any other applicable Ordinance, or provided on property within the Township shall be provided within the range of permitted lighting levels as specified in the following table.

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Local Street, where lighting is provided	0.2	0.4	2.4
Collector and arterial streets, where lighting is provided	0.2	0.9	5.4
Residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0
Residential off-street parking lots (over 50 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (under 50 spaces)	0.2	0.8	3.0

Required Lighting Levels			
Use	Measurement in Footcandles		
	Minimum	Average	Maximum
Non-residential off-street parking lots (50-100 spaces)	0.2	0.8	3.0
Non-residential off-street parking lots (over 100 spaces)	0.5	2.0	7.5
Off-street loading areas	2.0	10	20
Walkways and bikeways at hazards (stairways, tunnels, bridges, elevation changes, ramps, obstructions and curves, etc.)	0.1	NA	2.0
Building entrances and signs	0.5	NA	2.0
Building facades, monuments, fountains & similar features	0	NA	5
Parks and athletic courts/ fields.*	As recommended by the IESNA.		
*Park and recreation lighting also subject to the requirements of Section 310.F.12. of this Ordinance.			

4. Intensity

No light source or combination thereof which cast light on a public street shall exceed a meter reading of one (1) footcandle as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent residential property exceed one tenth (0.1) footcandle as measured at the property line or one (1.0) footcandle on an adjacent non-residential property.

5. Method of Measuring Light Intensity

The footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

6. Height

The maximum height above the ground grade permitted for light sources mounted on a pole is twenty-five (25') feet. A light source mounted on a building shall not exceed the height of the face of the building to which it is attached and no light sources shall be located on the roof unless said light enhances the architectural features of the building.

7. Location

The light source of an outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than 10' from a street right of way and 5' from all side or rear lot lines.

8. Hours

Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one-half (1/2) hour after closing except for, approved security lighting in accordance with the following Section 310.F.9. For those commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

9. Security Lighting

In all Zones, exterior lighting of a building and/or grounds for security surveillance purposes is permitted. Such lighting shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement, rather than the recognition of definitive detail. For security lighting of grounds and parking lots, the level of illumination shall not exceed a maximum average illumination of twenty-five percent (25%) that level required in Section 310.F.3. of this Ordinance. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed a maximum illumination of five (5) footcandles.

10. Illumination Under Outdoor Canopies

Under-canopy lighting, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The illumination in the area directly below the canopy shall not exceed 20 average footcandles and the maximum shall not exceed 30 footcandles. Outdoor canopies include, but are not limited to, the following applications:

- A. Fuel island canopies associated with service stations and convenience stores.
- B. Exterior canopies above storefronts in shopping centers and malls.
- C. Exterior canopies above driveways and building entrances.
- D. Pavilions and gazebos.

11. Billboards and Signs

The lighting of new, or replacement of lighting systems of existing, billboards and signs shall be subject to the following requirements:

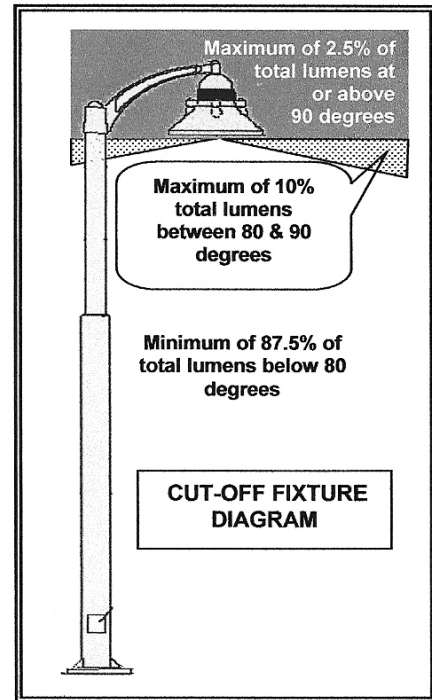
- A. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto the billboard or sign and not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway. Lighting shall be by linear fluorescent. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during nighttime.
- B. The light source for internally illuminated signs and billboards shall not exceed. 1,000 initial lumens per square foot of sign face.
- C. The illumination of billboards shall be limited to the I Zone and the illumination of billboards within four hundred (400') feet of a residential use or R-1, R-2, R-3 and AQC Zone shall not be permitted.
- D. The maximum illumination on the face of an externally illuminated billboard or sign shall not exceed 30 footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
- E. Rotating, traveling, pulsing, flashing, animated, "marching" or oscillating light sources, lasers, beacons, or strobe lighting shall not be permitted except within the Industrial Zone and not within five hundred (500) feet of a signalized traffic intersection, a residential use or a R-1, R-2, R-3 and AQC Zone.

- F. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the C, I and E Zones and shall comply with the requirements of Section 322.C. of this Ordinance.
- G. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- H. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting .

12. Outdoor Recreation

No lighting of recreation facilities shall be permitted brighter than that necessary for security purposes except during recreation events. The nighttime illumination of outdoor recreational facilities for baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. The following requirements shall apply to the lighting of outdoor recreation facilities:

- A. Lighting shall be accomplished only through the use of fixtures conforming to IESNA cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
- B. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.
- C. Maximum mounting heights for recreational lighting shall be in accordance with the following:



Outdoor Recreation Activity	Maximum Mounting Height
Basketball	20'
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	90'
Golf Driving Range	30"
Miniature Golf	20'
Swimming Pool Aprons	20'

Outdoor Recreation Activity	Maximum Mounting Height
Tennis	20'
Track	20'

- D. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Section 310.F.3. of this Ordinance
- E. In addition to the normal lighting plan submission requirements listed in Section 310.H. of this Ordinance, applications for illuminating recreational facilities shall also contain the following:
 - 1. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties within two hundred (200) feet of the subject property.
 - 2. Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - 3. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
 - 4. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - 5. A narrative describing the measures proposed to achieve minimum off-site disturbance.

310.G. PROHIBITIONS

No search lights, flashing lights or lights that may cause a hazard by impairing driver's vision shall be permitted.

310.H. SUBMISSION OF LIGHTING PLANS

Except in the case of lighting on an individual residential property or farm, where site lighting is required by this Ordinance, is otherwise required by the Township, or is proposed by the applicant, lighting plans shall be submitted for review and approval. The submission shall contain the following in addition to other required data for the specific permit:

- 1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
- 2. Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required, the angle of the cutoff or light emissions, etc.).
- 3. A point-by-point illuminance-grid plot on 10' x 10' centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section.
- 4. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated

to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

5. When requested by the Township, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare. This plan may require the inclusion of footcandle values at specific off-site locations (e.g., bedroom windows of adjacent residential uses, street centerlines and etc).
6. Required Plan Notes - The following notes shall appear on the Lighting Plan:
 2. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
 3. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and as otherwise agreed upon by the Township, and if appropriate, to require remedial action at no expense to the Township.

310.I. EXEMPTIONS

The standards of this Section 310 shall not apply to the following:

1. Temporary holiday lighting. This Section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
2. Civic Event Lighting. This Section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
3. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, or other federal, state, county or municipal agencies, to include streetlights within the public right-of-way.
4. Outdoor lighting fixtures required by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction.

SECTION 311 MINIMUM HABITABLE FLOOR AREA

311.A. All dwelling units must conform to the minimum habitable floor area following:

1. Single-family, duplex, quadraplex and townhouse dwelling units: seven hundred (700) square feet per dwelling unit.
2. Multi-family dwellings and conversion apartments: four hundred (400) square feet per dwelling unit.

SECTION 312 NOISE STANDARDS

312.A. Except for agricultural, horticultural and forestry-related uses and as provided in Section 312.B. of this Ordinance, no use shall generate exterior noise levels in excess of those listed in the following table:

Measurement Taken Along An Adjoining Property that is Located Within the Following Zones	Time Period	Maximum Permitted Noise Level
SMC, OSR, R-1, R-2, R-3 and AQC	6 a.m. to 10 p.m.	50 dBA
SMC, OSR, R-1, R-2, R-3 and AQC	10 p.m. to 6 a.m.	45 dBA
C, VC or E	6 a.m. to 10 p.m.	60 dBA
C, VC or E	10 p.m. to 6 a.m.	55 dBA
A or I	Anytime	70 dBA

312.B. Should the ambient noise level at any location exceed the above standards, that ambient noise level shall become the maximum permitted noise level at that location. The maximum permitted noise level shall be applied to regularly-occurring uses and activities. The following short-term and instantaneous generators of noise are permitted at noise levels 20 dBA higher than the above-described standards, but only between 7 a.m. and 10 p.m:

1. Short-term temporary noises for periods of up to thirty (30) seconds during any hour but not exceeding five (5) minutes during any day; and,
2. Infrequent instantaneous noises occurring no more than twice per hour but not exceeding ten (10) occurrences each day.

312.C. Sound pressure level shall be measured according to the specifications published by the American Standard Association.

312.D. All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency, or shrillness.

312.E. The maximum permissible sound limits listed above shall not apply to any of the following noise sources:

1. The emission of sound for the purpose of alerting people to the existence of an emergency or associated practice drill.
2. Emergency work to provide electricity, water, or other public or private utility when the public health, safety, and welfare of the general population is at risk.
3. Domestic power tools, machines, and/or equipment between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.
4. Excavation and commercial construction operations and/or activities carried on between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.
5. Public celebrations, including fireworks displays, authorized by the Township.
6. Blasting operations associated with extractive related industries when conducted in accord with use specific regulations contained within Section 461 of this ordinance.
7. Blasting in conjunction with non-extractive related excavation and construction operations between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.

SECTION 313 OFF-STREET LOADING SPACES

313.A. WHEN REQUIRED

Compliance with this Section 313 shall be required prior to the occupancy of any building or use that requires off-street loading. Off-street loading spaces shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

1. a new use is established,
2. the use of a property or building is changed such that more loading space is required, and
3. an existing use is enlarged such that more loading space is required.

313.B. SITE PLAN APPROVAL

1. Each application for a Zoning Permit for a use for which off-street loading spaces are required shall include a site plan drawing showing the proposed layout of the off-street loading spaces. The drawing shall clearly include the design elements required by this Section.
2. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

313.C. SURFACING

All off-street loading spaces, including access drives, shall be constructed and maintained with a paved surface, as defined herein.

313.D. LOCATION & ORIENTATION

Except as provided elsewhere, a ground-level off-street loading space may only be located in any side or rear yard. No off-street loading space is permitted between a building and an adjoining street right-of-way. No exterior portion of an off-street loading space (including access drives) shall be located within fifty (50) feet of a SMC, A, OSR, R-1, R-2, R-3 and AQC Zones. No exterior portion of an off-street loading space (including access drives) shall be located on the face of a building facing any adjoining land in the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones.

313.E. CONNECTION TO STREET

Every off-street loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide, exclusive of curb returns and gutters.

313.F. SEPARATION FROM STREETS, SIDEWALKS, AND PARKING LOTS

Off-street loading spaces shall be designed so that there will be no need for service vehicles to back onto streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots or with the free movement of vehicles and pedestrians on the site and over a public street.

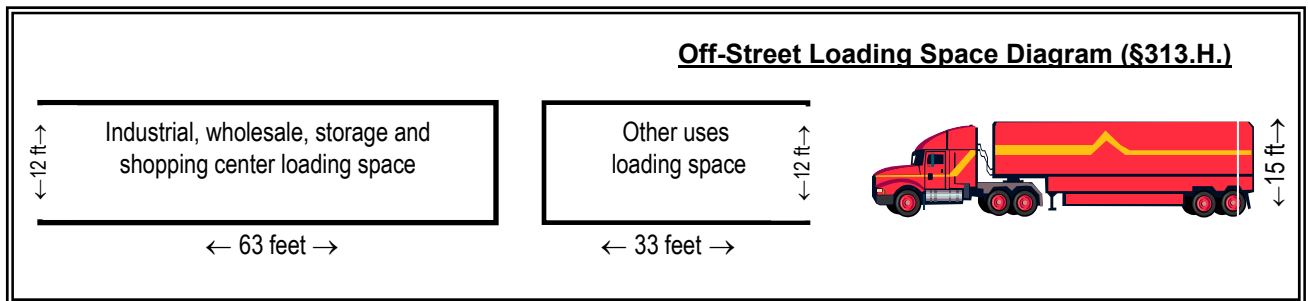
313.G. DRAINAGE

Off-street loading space (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading spaces shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

313.H. REQUIRED OFF-STREET LOADING SPACE SIZES

Off-street loading spaces shall have a rectangular shape with not less than the following dimensions, excluding access drives, entrances, and exits. Angled spaces will need to be longer to achieve the rectangular shape.

Facility	Length	Width	Height (if covered or obstructed)
Industrial, Wholesale and Storage Uses and Shopping Centers	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet



313.I. ACCESS

Off-street loading space shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle. All access drives shall be so designed and constructed such that it will not be necessary for drivers to back out onto a street. All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them. Such back-up and turn-around areas shall also be considered to be part of the off-street loading space for purposes of location, setbacks, orientation and screening.

313.J. LIGHTING

Adequate lighting shall be provided if the off-street loading space is to be used at night. The lighting shall comply with Section 310 of this Ordinance.

313.K. LANDSCAPING AND SCREENING REQUIREMENTS

Stand-alone off-street loading spaces shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading spaces shall be screened from adjoining areas in the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones and all adjoining public streets. All landscaping shall be provided in accordance with the standards listed in Section 321 of this Ordinance.

313.L. LOADING AREA MARKINGS

All off-street loading spaces shall be marked and maintained for the purpose of defining all loading spaces and interior drives. As a minimum, the lines of all off-street loading spaces and interior drives (including directional arrows) shall be in a color typically suitable for such markings and shall be at least four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control truck parking and to direct vehicular circulation.

313.M. SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES

The schedule of required off-street loading spaces is as follows:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per principal use	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Shopping centers, as defined herein	2.0	shopping center
	+1.0	Each additional 50,000 square feet or fraction thereof, of gross floor area over 20,000 square feet.
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

Type of Use	Number Spaces Per	Gross Floor Area
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)

SECTION 314 OFF-STREET PARKING

314.A. WHEN REQUIRED

Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use. Off-street parking shall be provided whenever:

1. A building is constructed or a new use is established,
2. The use of an existing building is changed to a use requiring more parking facilities, and
3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.

314.B. REDUCTION OF EXISTING PARKING

Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under Section 314.V. of this Ordinance.

314.C. PARKING FOR SINGLE-FAMILY DETACHED DWELLINGS

Every single-family detached dwelling shall be required to provide at least two (2) off-street parking spaces that are each a minimum of nine feet (9') wide and eighteen feet (18') long. Such spaces must be provided behind the street right-of-way line and may be within garages, carports, and/or driveways. Additional regulations pertaining to driveways are contained in Section 304 of this Ordinance. The remaining regulations contained in this Section do not apply to off-street parking facilities serving one (1) single-family detached dwelling. The schedule of required parking spaces for other uses is contained in Section 314.V. of this Ordinance.

314.D. SITE PLAN APPROVAL.

1. Each application for a Zoning Permit for a use that requires off-street parking spaces shall include a site plan drawing showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required here below.
2. No Zoning Permit shall be issued for any use for which off-street parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

314.E. SURFACING

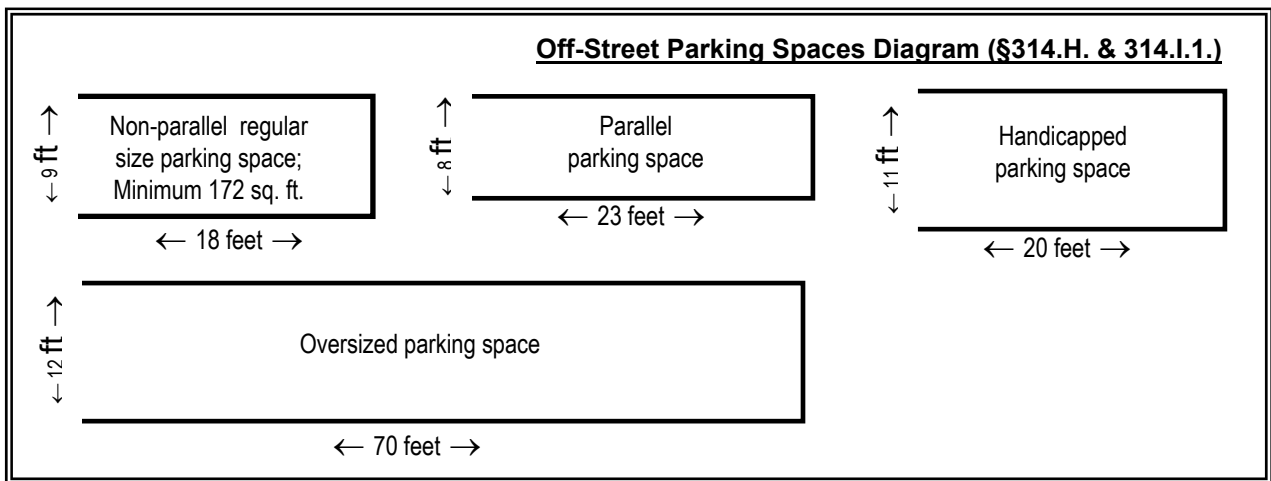
All off-street parking lots, including access drives, shall be constructed and maintained with a paved surface, as defined herein.

314.F. SEPARATION FROM STREETS AND SIDEWALKS

Parking spaces shall be guarded by curbs or other protective devices, which shall be arranged so that parked cars cannot project into streets, yards, or walkways.

314.G. PARKING SPACE SIZES

1. Within an off-street parking lot, each parking space for passenger vehicles (except those spaces dedicated for use by handicapped persons) shall have a minimum length of eighteen (18) feet and a minimum width of nine (9) feet with a rectangular shape. Angled spaces will need to be longer to achieve the rectangular shape with the minimum dimensions.
2. Where parallel parking is proposed, parking spaces shall be delineated by painted lines and shall have a minimum width of eight (8) feet as measured from the curb or cartway edge and a minimum length of twenty-three (23) feet as measured along the curb or cartway edge.
3. Oversized parking spaces as defined and required herein shall be a minimum of twelve (12) feet wide and seventy (70) feet long, be designed to enable drive-through capability without the need for reverse movements, located to allow for easy maneuvering, identified by signage and arranged according to the minimum standards listed in the following diagram.



314.H. PARKING SPACES FOR DISABLED PERSONS.

1. All uses shall comply with the Americans with Disabilities Act (or successor regulation) which shall supersede the requirements of this Section 314.H.
2. **Minimum Number** - All uses shall provide a minimum number of parking spaces for the handicapped in accordance with the following table. These parking spaces for the handicapped are inclusive in the total number of required spaces for the use as listed in Section 314.V. of this Ordinance. In the instance where several uses share a common off-street parking lot, each use must provide for its required parking spaces for the handicapped.

314.H.2. Minimum Number of Parking Spaces for the Handicapped	
Total Number of Parking Spaces Provided in Parking Lot	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

314.H.2. Minimum Number of Parking Spaces for the Handicapped	
Total Number of Parking Spaces Provided in Parking Lot	Minimum Number of Required Accessible Parking Spaces
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000.

314.I. INTERIOR DRIVEWAYS

1. Driveways between rows of parking spaces shall have the minimum widths shown:

Angle of Parking	Width of Driveway: One-Way Traffic	Width of Driveway: Two-Way Traffic
90 Degrees	24 feet	24 feet
60 Degrees	20 feet	24 feet
45 Degrees	15 feet	24 feet
30 Degrees	12 feet	24 feet
Parallel	12 feet	24 feet

2. Interior driveways in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.
3. The maximum permitted length of interior driveways between rows of parking spaces shall be two hundred (200) feet. Facing interior landscaped islands can be used to break-up long interior driveways greater than two hundred (200) feet.

314.J. MARKING OF PARKING SPACES AND INTERIOR DRIVES

1. All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives prior to occupancy. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white reflective traffic line paint, or equivalent.
2. In the event parking lots are not marked as required by this Section, the Township may at its option, perform or hire the said marking to be done and recover the same from the owner or tenant of said lot in the manner permitted by law.

314.K. REQUIRED HORIZONTAL RADII

Not less than a five (5) feet radius of curvature shall be permitted for horizontal curves in parking areas.

314.L. DEAD END PARKING SPACES

All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

314.M. LIGHTING

Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to direct, reflect, or otherwise cause glare beyond the property line. Lighting shall comply with Section 310 of this Ordinance.

314.N. ACCESS DRIVE REQUIREMENTS

Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 301 specifies other requirements for access drives.

314.O. SPEED BUMPS AND TRAFFIC CALMING DEVICES

1. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
4. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.
5. Speed bumps and traffic calming devices shall be setback at least fifty (50) feet from the street right-of-way of any local, marginal access or collector road and at least one hundred (100) feet from the street right-of-way of any expressway or arterial road.

314.P. JOINT PARKING LOTS

Parking lots may be designed to serve a more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately. For the purposes of determining required landscape strips and interior landscaping required by Section 314.U.3. of this Ordinance, all parking spaces within a joint parking lot shall be combined.

314.Q. PROHIBITED USES OF A PARKING LOT

Parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise, except as otherwise permitted by this Ordinance;
2. Parking vehicles accessory to the use;
3. Performing services (including services to vehicles);
4. the placement or storage of trailers, trucks, portable storage containers, palettes or other similar structures, vehicles, items or materials; or,
5. Loading and unloading purposes except during hours when business operations are suspended.

314.R. ACCESS

Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All commercial and

industrial use access drives shall be so designed and constructed such that vehicles need not reverse onto the street in order to exit the parking facility.

314.S LOCATION

All parking spaces shall be provided on same premises except that, if the required number of parking spaces cannot be reasonably provided on the premises, the Zoning Hearing Board may permit such spaces to be provided on another property in accordance with the standards for special exception applications in Section 804.C. of this Ordinance. To approve the use the Board must find that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. of this Ordinance and specifically as follows:

1. The proposed off-site location for the off-street parking spaces is located within the same Zone as the principal use;
2. The proposed off-site location for the off-street parking spaces is located within one hundred fifty feet (150') of the premises containing the principal use;
3. Adequate pedestrian access from the off-site parking spaces to the principal use is provided to the satisfaction of the Zoning Hearing Board;
4. The applicant provides written evidence of a binding agreement in a form acceptable to the Township Solicitor that ensures ongoing use and access to the off-site parking spaces; and,
5. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot spaces may not be claimed by more than one (1) user for use at the same time.

314.T. BUS STOP

Where provided, bus stops shall be located and designed to permit the safe discharge and collection of occupants of the bus at the use within the lot. Bus stops shall be linked with a safe means of pedestrian access to the principal use of the property.

314.U. LANDSCAPING AND SCREENING REQUIREMENTS

The following landscaping and screening requirements shall apply to all parking lots:

1. Front Yard Landscape Strip - When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip. This landscape strip may be located within any other landscaped strip required to be located along a street. The following lists required minimum width of landscape strips:

Number of Parking Spaces in Parking Lot, Including Joint Facilities	Landscape Strip Width Measured In Feet From the Street R.O.W. Line*
Less than 100	15
100-250	20
Over 250	25
*or the closest edge of any access drive along the street frontage, whichever produces the wider landscape strip.	

2. Side and Rear Yard Landscape Strips - Unless otherwise indicated, all off-street parking lots shall be surrounded by a ten (10) foot wide landscape strip.
3. Interior Landscaping
 - A. Except in those instances when off-street parking spaces are provided on a story either above or below grade, or when such off-street parking spaces are provided at grade but covered with a roof, any parking lot, or portion thereof, containing twenty (20) or more parking spaces, shall devote a minimum of ten percent (10%) of the total area of the lot to interior landscaping.
 - B. Such interior landscaping shall be used:
 - i. at the end of parking space rows and to break up continuous rows of parking spaces at least every ten (10) parking spaces;
 - ii. adjoining and to help visually define travel lanes through or next to the parking lot; and,
 - iii. to provide for a minimum six (6) feet wide landscape island that extends the full length of adjoining parking space rows at intervals of no less than every four (4) rows of parking spaces.
 - C. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
 - D. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.
 - E. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) mature shade tree shall be provided for each two hundred (200) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least seven (7) feet above finished-grade level;
 - F. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang;
 - G. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot;
4. Applicants are encouraged to utilize rain gardens within the interior landscape islands and front, side and rear yard landscape strips in areas not underlain with Carbonate Geology as depicted upon the Natural and Cultural Features Map.
5. Screening - When a parking lot is located on property which is adjacent to a SMC, A, OSR, R-1, R-2, R-3 and AQC Zone, the parking lot shall be screened from the adjoining residential property in accordance with Section 321.D. of this Ordinance;

314.V. SCHEDULE OF REQUIRED PARKING SPACES

Except as provided for in Sections 314.V.1. and 314.V.3. (immediately following the below table) the minimum number of passenger and oversized off-street parking spaces to be provided for each land use type shall be as indicated on following chart. Any use involving a combination of several uses shall provide the sum of the number of spaces required for each

individual use. Any calculation that results in a fraction shall require an additional full space.

COMMERCIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Space for Each
Automobile, truck, trailer, bus, and recreational vehicle repair and washing facilities	¼ service and/or washing bay (i.e. 4 per bay)	10,000 square feet of gross floor and ground area devoted to repair and service facilities.
Automobile, boat, and trailer sales	500 square feet of gross indoor and outdoor display areas	10,000 square feet of gross indoor and outdoor display areas
Banks and similar financial institutions.	200 square feet of gross floor area	none
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area	none
Convenience stores	75 square feet of gross floor area	Principal use
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees	Principal use
Food markets and grocery stores	150 square feet of gross floor area	10,000 square feet of gross floor area
Fuel dispensing use as a principal or accessory use	2 parallel spaces arranged in a stacked configuration for each fuel dispensing location.	Fuel dispensing use
Funeral homes	50 square feet of gross floor area	Funeral home
Furniture sales	500 square feet gross floor area	none
Hotels, motels	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall add to this requirement.)	20 guest sleeping rooms
Mini-warehouses	25 units plus one per 250 square feet of office space, plus two per any resident manager	50 units
Nightclubs	Two seats of legal occupancy plus one per each employee on site at one time	per use
Office buildings	200 square feet of gross floor area	none
Clinics and professional offices of veterinarians, physicians, dentists, opticians, counselors and etc.	8 spaces per practitioner plus one per employee	none
Retail services (e.g. barbers, beauticians, masseuse, tanning salon, tattoo parlor, photographer, etc.)	4 spaces per practitioner or 2 spaces per service station whichever produces the greater number	none
Retail stores or shops (except those listed above)	200 square feet of gross floor area plus one per each employee on two largest shifts	none
Restaurants and taverns	Three seats plus one per each employee on largest shift	per use
Shopping centers or malls	222 square feet of gross floor area	50,000 square feet of gross floor area
Other commercial buildings	400 square feet of gross floor area	none
Auditorium, banquet, conference, and meeting facilities; theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of area used for assembly purposes	per use

INDUSTRIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Industrial and heavy manufacturing establishments	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number	none
Warehousing	Employee on the two largest shifts	none
Other industrial uses	Two employees on the two largest shifts or at least one space per each 1,000 square feet of gross floor area, whichever is the greatest number	none

RECREATION USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Amusement arcades	80 square feet of gross floor area	none
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields, without spectator seating.	1/12 field (12 per field)	field (ie. 1 per field)
Baseball, soccer, field hockey, lacrosse, rugby, football and other athletic fields with spectator seating	1/12 field (12 per field) plus one (1) per each four (4) seats of spectator seating	1/2 field (ie. 2 per field)
Basketball and volleyball courts without spectator seating	1/8 court (8 per court)	Court (ie. 1 per court)
Basketball and volleyball courts with spectator seating	1/8 court (8 per court) plus one (1) per each four (4) seats of spectator seating.	½ Court (ie. 2 per court)
Bowling alleys, billiards rooms	1/4 lane/table (i.e., 4 per lane/table) and one per each two employees	100 persons of legal occupancy
Campgrounds	Non-RV campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses	RV campsite, plus 1 per 20 non-RV campsites
Golf courses	1/2 hole (i.e., 2 per hole), plus one per employee, plus 50% of the spaces normally required for accessory uses	18 holes
Golf driving ranges	One per tee and one per employee	Principal use
Gymnasiums without spectator seating	1/8 court (8 per court)	Court (ie. 1 per court)
Gymnasiums with spectator seating	1/8 court (8 per court) plus one (1) per four (4) seats of spectator seating.	½ Court (ie. 2 per court)
Miniature golf courses	1/2 hole (i.e., 2 per hole) and one per employee	18 holes
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating	four stalls
Picnic areas	Per table	none

RECREATION USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Skating rinks	Four persons of legal occupancy	per use
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy	per use
Tennis or racquetball clubs	¼ court (i.e., 4 per court), plus one per employee plus 50% of the spaces normally required for accessory uses	none

RESIDENTIAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Single-family detached dwellings (except those contained within an age qualified community), two-family conversions, conversion apartments	1/2 dwelling unit (i.e., two spaces per dwelling unit)	See Section 314.W. of this Ordinance.
Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, rectories and etc.	Bedroom	See Section 314.W. of this Ordinance
Duplex, quadraplexes, townhouse and multiple-family, dwellings. Single-family detached dwellings within an age qualified community),	1/3 dwelling unit (i.e., three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.	See Section 314.W. of this Ordinance

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
Auditorium, banquet, conference, and meeting facilities, theater, and other such places of public assembly	Three (3) seats. For uses without permanent seats, 50 square feet of area used for assembly purposes	Principal use
Churches	Three (3) seats within the largest assembly area. For uses without permanent seats, 50 square feet of area used for assembly purposes	Principal use
Clubs, lodges and other similar places	Two seats but not less than 100 square feet of gross floor area and one per each employee on two largest shifts	Principal use
Nursing, rest or retirement homes	Four accommodations (beds) in addition to those needed for doctors and support staff	Principal use
Hospitals, sanitariums	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.	Principal use
Museums, art galleries, cultural	400 square feet of gross floor area	Principal use

SOCIAL AND INSTITUTIONAL USES		
Type of Use	Minimum of One Passenger Parking Space for Each	Minimum of One Oversize Parking Spaces for Each
centers, libraries		
Rehabilitation centers (without overnight accommodations)	One per each employee and per each three people anticipated to be handled through the facility.	Principal use
Schools below grade ten, including principal day-care and kindergarten	Six students of maximum permitted enrollment capacity	none
Schools, tenth grade and above, including colleges with on-site housing for a majority of students enrolled	Three students of maximum permitted enrollment capacity	none
Colleges that do not offer on-site housing for a majority of students enrolled	1.5 students of maximum permitted enrollment capacity	none
Vocational training and adult education facilities	1.5 students of maximum permitted enrollment capacity	none

1. All other uses not specifically mentioned above shall provide off-street parking spaces to accommodate one (1) space for the maximum number of persons regularly employed, having business, and/or resident upon the premises at any given time.
2. For commercial and industrial uses, no off-street parking area shall accommodate more than one hundred twenty (120) percent of the minimum requirement, regardless of whether such additional spaces are provided with pervious surfacing, except as provided for below by Section 314.V.3.
3. Alternative off-street parking standards to those provided in this Section may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 804.C. of this Ordinance. The applicant shall prove that adequate parking is provided for all uses within the development. Such proof shall include the following:
 1. Estimates of required parking needs based upon actual traffic or parking surveys for existing similar land uses located in comparable settings.
 2. Analysis of shared parking facilities with other uses that routinely experience peak parking demands at different times of the day, week, or season, and where the parking spaces required by one use can also accommodate another nearby use.
 3. Analysis of the possible use of permeable surfaces for overflow parking where such overflow parking area would be used sparingly and where the applicant can show that the permeable surfaces will be constructed of stable materials and will be environmentally beneficial to the community.
 4. Analysis of the likelihood of the use of bus service (both public transit and charter service) by a significant volume of patrons.
 5. Any other specific characteristics of the proposed use that, in the opinion of the Zoning Hearing Board, justifies a different required parking ratio.

314.W. RECREATIONAL VEHICLES, BOATS, CAMPERS, AND PERSONAL CARGO TRAILERS

1. Within any Zone upon any property used principally for residential purposes, the temporary parking of one recreational vehicle, travel trailer, boat or personal cargo trailer for periods not exceeding 72 hours during any seven (7) day period is permitted

in a driveway or atop any impervious surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way, and five (5) feet from adjoining property lines.

2. Within any Zone upon any property used principally for residential purposes with less than one (1) acre, the accessory storage of one recreational vehicle, travel trailer, boat or personal cargo trailer shall be permitted per lot. Such storage shall be located behind the front yard building setback line, and no less than fifteen (15) feet from any side and rear lot line. Any area used for the storage of a recreational vehicle, travel trailer, boat or personal cargo trailer shall be maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly and some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure.
3. Within any Zone upon any property used principally for residential purposes with more than one (1) acre but less than two (2) acres, the accessory storage of two recreational vehicles, travel trailers, boats or personal cargo trailers shall be permitted per lot. Such storage shall be located behind the front yard building setback line, and no less than thirty (30) feet from any side and rear lot line. Any area used for the storage of a recreational vehicle, travel trailer, boat or personal cargo trailer shall be maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly and some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure.
4. Within any Zone upon any property used principally for residential purposes with two (2) or more acres, the accessory storage of recreational vehicles, travel trailers, boats or personal cargo trailers shall be permitted. Such storage shall be located behind the front yard building setback line, and no less than fifty (50) feet from any side and rear lot line. Any area used for the storage of a recreational vehicle, travel trailer, boat or personal cargo trailer shall be maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly and some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure.

314.X. PARKING OF COMMERCIAL TRUCKS

Within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones the parking of commercial trucks and heavy equipment is prohibited except that within the A Zone, the parking of no more than one (1) commercial truck is permitted upon farms and residential properties, subject to the following conditions:

1. The parking of a commercial truck upon a residential property is limited to a vehicle operated by the occupant of the residence and must be located within a completely enclosed garage unless the site has at least two (2) acres. No such parking space therein be leased to a non-resident of the lot.
2. One (1) commercial truck may be parked or stored upon a farm where the use of such vehicle is not incidental to the use of the premises but is driven by an occupant of the farm. No business, occupation, or service shall be conducted therein.
3. Any driveway used for commercial truck access shall have a minimum inside turning radius of fifty (50) feet.
4. The driveway upon which a commercial vehicle is parked must have sufficient area for a truck turnaround so that the vehicle can enter and exit the site in a forward direction.
5. The commercial truck must be parked behind the front building setback line or at least one hundred (100) feet, whichever is the lesser distance.

6. Any driveway used for commercial truck access shall have a minimum one hundred (100) foot paved apron as measured from the street right-of-way.
7. Commercial motor vehicles or commercial trailers of any kind or type without current license plates and current inspection stickers shall not be parked or stored upon any property other than in a completely enclosed garage or other accessory building. This requirement shall not apply to implements and other vehicles not normally used as conveyances on the public streets.

SECTION 315 ON-LOT SEWAGE DISPOSAL SYSTEM REQUIREMENTS

315.A. TWO DISPOSAL SITES REQUIRED

1. For uses that will not be served by public or community sewage disposal systems, no lot shall be created or built upon and no subdivision or land development plan shall be approved unless and until primary and secondary on-lot sewage disposal sites are located and approved by the Township Sewage Enforcement Officer pursuant to all applicable regulations;
2. No subdivision or land development plan shall be approved and recorded unless and until said plan and any deeds relating thereto are marked with the metes and bounds descriptions of the approved primary and secondary on-lot sewage disposal sites. The locations of the approved primary and secondary sites shall be depicted by a rectangle enclosing the tested area, and shall depict the exact locations of failed and passing percolation holes, soil probes by number, limiting zone depth in inches for each soil probe, and the percentage of slope over the tested area with an arrow depicting slope direction. Where one or more of the proposed lots contain an existing dwelling or other structure with an on-lot sewage disposal system, an approved secondary site shall be located and described as a condition of approval;
3. The owner and/or developer of any lot, subdivision or land development that are subject to the requirements of this Section 315, shall cause each plat, plan, deed, agreement of sale and/or any other document offering the lot for sale, lease or other transfer to be annotated with a notice in the form of a restrictive covenant, approved by the Township, to the buyer, tenant, or other party in interest advising of, and enforcing, the requirements of this Section. Such covenant shall protect the secondary on-lot sewage disposal site from excavation, construction and other activities that would result in disturbance of the soils' ability to renovate sewage effluent, until such time as the secondary on-lot sewage disposal site is activated due to malfunction of the initial disposal site;
4. The notice required by Section 315.A.3. shall state to the effect that there exist primary and secondary on-lot sewage disposal sites and that the secondary site shall be protected from use and not disturbed in any manner which would impact its intended use/ until such time as it is necessary to construct a second on-lot sewage disposal system. Said notice shall specifically refer to this Section and any other documents or materials/ including but not limited to deeds, deed restrictions, restrictive covenants, land development plans, and similar documents, which identify or relate to the secondary site.

315.B. MINIMUM LOT AREA

Regardless of any maximum lot area requirements listed elsewhere in this Ordinance, the minimum required lot size may be increased to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater and to properly accommodate a secondary on-lot sewage disposal site. Such determinations will be made by the PA DEP, through its sewer module review process. The applicant shall prove that the amount of land needed is the minimum necessary for such protection to insure an acceptable level of nitrate-nitrogen in the adjoining groundwater

and to properly accommodate a secondary on-lot sewage disposal site.

SECTION 316 OPEN SPACE REQUIREMENTS

316.A. In those instances where open space is required elsewhere in this Ordinance, or when an applicant proposes the use of open space, such open space shall comply with the following:

316.B. REQUIRED OPEN SPACE DESIGN

Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.);
2. Protection of important historical and/or archaeological sites;
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the development and the Township; and,
4. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.

316.C. OWNERSHIP AND MAINTENANCE

An essential element of the provision of open space is a written description regarding its ownership and/or disposition. Such ownership and/or disposition shall be accomplished through any of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space;
2. With permission of the Township, and with an appropriate conservation easement as specified in Section 316.D. of this Ordinance, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township; and/or,
3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. § 3101 et seq, or the Pennsylvania Planned Community Development Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
 - A. Such organization shall not dispose of the common open space by sale or otherwise, except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance;
 - B. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance

of deteriorating common open space by municipalities; and,

- C. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

316.D. PERMANENT PROTECTION OF COMMON OPEN SPACE

Required common open space shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall, unless waived by the Board of Supervisors, limit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board of Supervisors.

SECTION 317 OPERATIONS AND PERFORMANCE STANDARDS

317.A. REQUIRED COMPLIANCE WITH APPLICABLE REGULATIONS

1. All uses within the Township shall operate in compliance with all applicable State and Federal regulations. Performance standards identified herein are applicable to all land uses, existing and/or proposed, in all Zones of Upper Saucon Township.
2. No use, or premises in any Zone shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas as described herein.
2. Notwithstanding the laws and regulations of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and any other State and/or Federal regulations, the standards contained herein shall be utilized by Upper Saucon Township as regulatory controls on land use.
3. These standards shall be utilized in the evaluation of all zoning applications, zoning enforcement activities, subdivision plan proposals, and land development plan proposals, where applicable.
4. These standards shall also be utilized as regulatory measures in the evaluation of existing land uses and activities conducted thereon. Compliance with these standards shall be demonstrated on a continuous basis and shall be enforced by the Zoning Officer.
5. Property owners and/or proprietors who have been cited for any violation(s) of the performance standards identified herein shall be responsible for all costs and fees (including but not limited to reasonable attorneys fees) incurred by the Township through its professional consultants and administrative staff in their performance of background investigations, legal proceedings, retributions, and rectification measures.
6. The following lists Township regulations and other known governmental regulations associated with various land uses and their impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township, but is merely provided for information to applicants and landowners.

317.B. AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR

1. The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, and as amended, in conjunction with "Chapter 131 -Ambient Air Quality Criteria" and "Chapter 123 - Standards for Contaminants" of "Article III Title 25 - Rules and Regulations" of 1971, as amended, of the Pennsylvania Department of Environmental Protection shall be considered as minimum standards for the control of smoke, dust, fumes, and emissions and shall control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases and odors.
2. No use shall discharge contaminants to the air in excess of the limits prescribed herein, or as may be amended and/or created by State and/or Federal laws, rules, and regulations, unless such measures shall be utilized as prescribed by applicable the regulatory agency.
3. There shall be no emission into the atmosphere of visible gray smoke of a shade darker than No.1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines or successor agency. Visible gray smoke as dark as No.2 on the said chart may be emitted if permitted by State and/or Federal regulatory controls for a period or periods totaling no more than four (4) minutes within any given eight (8) hour period. These provisions shall apply to smoke of other colors having an equivalent apparent opacity.
4. No use shall discharge particulate matter into the atmosphere from incinerators in excess of 9.1 grains per cubic foot of gas at standard conditions corrected to twelve (12) percent carbon dioxide, except as may be designated under specific contaminants and as regulated by State and/or Federal regulatory controls.
5. Open burning is not permitted unless such burning is consistent with the provisions and restrictions of all codes, regulations, and ordinances adopted by Upper Saucon Township.
6. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the property line of the use generating such odor. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table L "Odor Thresholds in Air" contained in the publication "Research on Chemical Odors: Part I - Odor thresholds for 53 Commercial Chemicals, " October 1968, Manufacturing Chemists Association, Inc., Washington, D. C. and as may be amended.

317.C. ELECTRICAL, DIESEL, GAS OR OTHER POWER

"Rules and Regulations" of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. Every use requiring electrical, diesel, gas or other power source shall be so operated that any service lines, substation, shall conform to the highest applicable safety requirements, be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, and concealed from abutting residential properties or adjoining SMC, A, OSR, R-1 R-2, and R-3 Zones.

317.D. FIRE AND EXPLOSIVES

1. It is the responsibility of each property owner and/or tenant to ensure that his/her use does not jeopardize the public health, safety, and welfare of the Township because of potential explosive, fire, and/or hazardous condition.
2. All activities and all storage of flammable and explosive materials shall be provided with safety devices against hazards of fire and explosion along with adequate fire-fighting

and fire-suppression equipment and devices as detailed and specified by State and Federal regulations.

3. All explosive material shall conform to the requirements of Chapter 211, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations for Storage, Handling, and Use of Explosives.

317.E . GLARE AND HEAT

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those lighting standards listed in Section 310 of this Ordinance. No use shall produce heat above the ambient temperature that is perceptible beyond subject property.

317.F. MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL

1. All principal commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
 - A. Listing of all materials to be used and/or produced on the site;
 - B. Listing of all wastes generated on the site; and,
 - C. Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - i. the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - ii. the Pennsylvania Solid Waste Management Act (Act 97);
 - iii. the Federal Emergency Management Act;
 - iv. the Federal Superfund Amendment and Reauthorization Act;
 - v. the Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - vi. the Pennsylvania Low-Level Radioactive Waste Disposal Act.
 - D. No flammable or explosive liquids, solids, or gases shall be stored above ground, except within receptacles which meet all local, State, and/or Federal regulations unless restricted or prohibited by other regulatory controls contained within this ordinance.
 - E. All storage facilities for fuel stored outdoors shall be enclosed by a security fence and screened from adjoining roads and properties.
 - F. All storage facilities for fuel stored outdoors shall be located in accord with any State and/or Federal regulatory requirements for separation distances.
 - G. Highly flammable or toxic or hazardous or explosive liquids, solids, or gases shall be stored above-ground in leakproof double walled containment vessels which accommodate testing for leaks and all such containment vessels and facilities shall be suitably screened by natural plantings so that they are not visible from lot lines.

- H. No substance which has the potential to contaminate groundwater or surface waters shall be permitted to be stored outdoors unless the property owner and/or proprietor provides safeguards from potential contamination satisfactory to the Township based upon State and Federal requirements.
 - I. No materials or wastes shall be stored or deposited upon a lot in such form or manner that they:
 - i. may be transferred off the lot by natural causes or forces;
 - ii. can contaminate a stream or watercourse;
 - iii. render a stream or watercourse undesirable as a source of water supply or recreation; or,
 - iv. will destroy aquatic life.
 - J. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to vermin shall be stored only if enclosed in containers which are adequate to eliminate such hazards.
- 2. All uses must properly dispose of wastes in accordance with all applicable laws and regulations. Except as provided for in Sections 453 and 469 of this Ordinance, the outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.
 - 3. Where dumpsters are permitted they shall be located within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. Unless specified elsewhere within this Ordinance dumpsters shall comply with all side and rear yard setbacks imposed upon the principal use. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
 - 4. Upon any property used for a principal residence, the use of dumpsters and or other portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of dumpsters and or other portable storage containers and pods for permanent storage and/or waste containment is expressly prohibited. The use of dumpsters and or other portable storage containers and pods shall not exceed thirty (30) days during any calendar year and only following the issuance of a zoning permit. Such containers must be located so as not to block any required clear sight triangles and be at least ten (10) feet from all lot lines. The Zoning Officer may issue one time extension to the zoning permit, if the applicant can demonstrate that the nature of the proposed activity:
 - A. is ongoing;
 - B. is making reasonable progress;
 - C. requires additional time; and,
 - D. has a definitive ending date identified by the applicant beyond which the use shall cease.
 - 5. In all Zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. Within the R-2, R-3 and AQC Zones, the outdoor stockpiling of materials (other than in the front yard) for more than one (1) year is prohibited. The above notwithstanding, the outdoor storage of firewood and landscape materials is permitted for more than one (1) year in any side or rear yard.

317.G. MINE RECLAMATION AND OPEN PIT SETBACK

Pennsylvania Act No. 1984-219, the “Noncoal Surface Mining Conservation and Reclamation Act,” as well as any and all regulations that may succeed or replace these regulations.

317.H. NOISE POLLUTION

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those noise standards listed in Section 312 of this Ordinance.

317.I. RADIATION. RADIOACTIVITY ELECTRICAL INTERFERENCE

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations.

317.J. SEWAGE AND OTHER WASTE DISPOSAL

“Rules and Regulations” of the Pennsylvania Departments of Health and Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, all uses shall comply with those applicable standards listed in Sections 315 and 317.F. of this Ordinance.

317.K. VIBRATION

“Rules and Regulations” of the Pennsylvania Department of Environmental Protection, as well as any and all regulations that may succeed or replace these regulations. In addition, no use shall create vibration that is perceptible beyond the subject property or produces a peak measurement of 0.002g from either seismic or electronic vibration detection devices.

317.L. WATER QUALITY

1. The Clean Streams Law, June 3, 1937 P.L. 1987, 35 P.S. 691.1 as amended, as well as any and all regulations that may succeed or replace these regulations.
2. PA Code, Title 25, Chapters 93 and 102;
3. the PA DEP water quality anti-degradation guidelines and,
4. the PA DEP best management practices for stormwater management.

SECTION 318 OUTDOOR STORAGE AND DISPLAY REQUIREMENTS

318.A. SHOPPING CART STORAGE

For grocery stores and other stores containing grocery departments, variety stores, home improvement and building supply stores, and other uses that provide shopping carts for use by customers, the outdoor storage and collection of shopping carts is permitted subject to the following:

1. Shopping carts may be collected and stored immediately in front of the storefront (upon sidewalks, or under a canopy) and/or within the parking lot.
2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).

3. Shopping cart storage and collection areas shall be situated to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the storefront.
4. Signage for shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Ordinance.

318.B. SEASONAL SIDEWALK DISPLAYS

For commercial uses, seasonal sidewalks displays related to retail sales is permitted subject to the following:

1. Only seasonal merchandise may be displayed, and shall be limited to the periods from April 1 to October 1 and November 25 to January 5.
2. The location of such outdoor displays shall be limited to sidewalks, under canopies, and other areas immediately in front of the building/storefront. The stacking or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide.
3. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access provisions (e.g., fire lanes).
4. In no case shall such sidewalk display area exceed fifty (50) percent of the linear area of the storefront. For example, a storefront two hundred (200) feet long could have a sidewalk display directly in front of the store with a maximum length of one hundred (100) feet.
5. No signage, except as authorized by this Ordinance, shall be permitted.
6. The applicant shall submit a working plan to the Township for the cleanup of litter and debris which may result from such outdoor display. Also, the applicant shall depict intended sidewalk display areas upon any permit applications and/or plans required by the Township. No additional permits shall be required, unless such area is to change location or size.

318.C. SPECIAL EVENT SALES

For commercial uses, special events are permitted subject to the following:

1. In addition to the other provisions of this Section, two (2) special event sales shall be permitted per calendar year. Such special event sales shall be limited to no more than a total of thirty (30) days per calendar year.
2. Areas used for special event sales displays shall be sited to comply with the setback requirements for a principal structure or principal use, whichever is greater.
3. Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public roads. Within parking lots, such display areas shall be clearly delineated from the adjoining parking lot by the use of identifiable barriers (such as tents, canopies, temporary fences, or ropes). Additionally, location within the parking lot shall only be permitted insofar that the remaining parking spaces available for use are greater than or equal to the number of such spaces required for the principal use by this Ordinance.
4. The area devoted to special event sales displays shall not exceed twenty (20)

percent of the gross leasable floor area of the use(s) conducting the special event sale.

5. In shopping centers, special event sales shall be jointly held by all of those occupants of the shopping center that wish to participate. No individual occupants of a shopping center shall be permitted to conduct separate special event sales.
6. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernable at, or beyond, the property line.
7. Signage for special event sales shall comply with the applicable requirements contained within this Ordinance.

SECTION 319 PROJECTIONS INTO YARDS

319.A. The following projections and features shall be permitted into required yards:

1. Projecting architectural features (such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, and similar features) provided that any single such feature does not exceed five (5) square feet in external area, when viewed in plan view.
2. Uncovered stairs and landings, provided that such stairs or landings do not exceed three (3) feet six (6) inches in height.
3. Open balconies and fire escapes, provided that such balcony or fire escape is not supported on the ground and does not project more than five (5) feet into any yard nor come within three (3) feet of any property line.
4. Sidewalks, stormwater inlets and/or stormwater outlets.

SECTION 320 ROAD CLASSIFICATIONS, SCENIC ROADS & FRONT YARD SETBACKS

320.A. For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Roadway Classifications & Required Future Right of Way Widths				
Interstates 120 ft.	Arterials 90 ft.	Collectors 70 ft.	Scenic Roads 90 ft.*	Locals 50 ft.
Interstate Route 78	SR 309 SR 378 SR 2044 - Center Valley Parkway	Veracruz Rd – SR2023 Lanark Rd - SR2039 Limeport Pike - SR 2029 Saucon Valley Rd - SR2036 Blue Church Rd - SR2022 Blue Church Rd S.- SR2024 Glen Rd - T-389 Beverly Hills Rd - SR2040 Mill Rd - SR2024 Main St. - SR2045 W. State St. - T-389 Locust Valley Rd - SR2043 Landis St.- T-830 State St – SR2026 Passer Rd – SR2028 Flint Hill Rd - T-451 Taylor Drive – T-453 Station Ave – SR2030 Preston Lane – T-844 Camp Meeting Rd – SR2049	<ul style="list-style-type: none"> • Beverly Hills Rd. between Chestnut Hill Rd. & Blue Church Rd. S. • Chestnut Hill Rd. between Beverly Hill Rd. & Blue Church Rd. • Blue Church Rd. between Chestnut Hill & Lanark Rds. • Wards Ln. between Flint Hill Rd. & Taylor Dr. • Flint Hill Rd between Wards Ln. & Wimmer Rd. • Wimmer Rd. between Flint Hill Rd. and L. Saucon Twp. 	All roads not otherwise listed.

Roadway Classifications & Required Future Right of Way Widths				
Interstates 120 ft.	Arterials 90 ft.	Collectors 70 ft.	Scenic Roads 90 ft.*	Locals 50 ft.
		Landis Mill Rd – T-448 Landis Mill Rd – SR2047 Spring Valley Rd – SR2034 Oakhurst Dr – SR2038 Stonethrow Rd – SR2051 Church Rd – SR2051 Pike Ave – SR145 Corporate Parkway		
* Required future right of way widths for Scenic Roads shall supersede other road classifications.				

320.B. Future rights-of-way widths shall be used to determine applicable front yard setbacks when the width of an existing right-of-way is less than that listed above. Unless otherwise known to the Township, the future rights-of-way widths shall be measured from the centerline of the existing road.

SECTION 321 SCREENING AND LANDSCAPING REQUIREMENTS

321.A. REQUIRED LANDSCAPE PLAN

For uses with off-street parking lots that require the approval of a land development plan, the applicant shall submit a landscape plan prepared by a landscape architect or professional engineer registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of this Ordinance and the SALDO. Such plans shall include, but not be limited to, details depicting:

1. Landscape buffers and screens used to protect adjoining properties, residential Zones and streets;
2. Screening used to prevent the spillage of headlights onto adjoining properties;
3. Typical interior landscape island treatments including rain gardens, if applicable;
4. Typical landscape strip treatments including rain gardens, if applicable;
5. Typical screening treatments; and,
6. Landscape treatments at access drives' intersections with streets.

321.B. YARD GROUNDCOVER

Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover approved by the Board of Supervisors (e.g., grass, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to complement other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly;

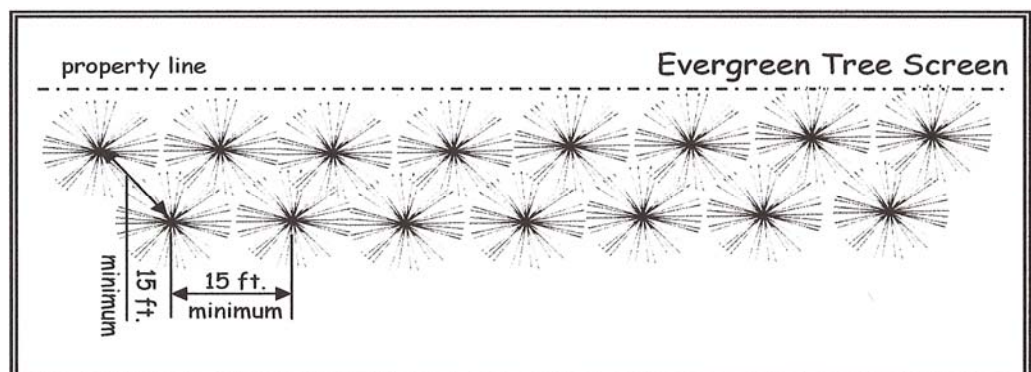
321.C. LANDSCAPING REQUIREMENTS

1. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas and/or strips.

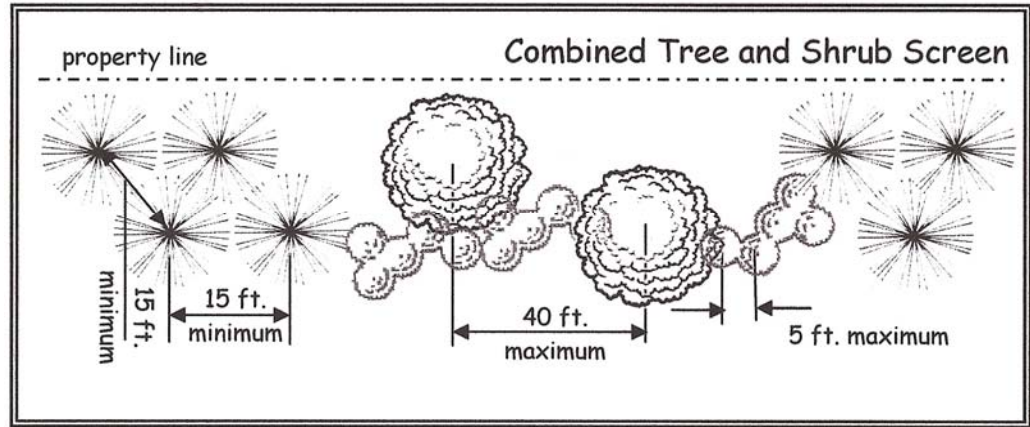
2. For each five hundred (500) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. Deciduous trees shall have a clear trunk at least seven (7) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;
3. Interior landscaping within off-street parking lots shall be provided in accordance with Section 314.U.3. of this Ordinance. For every two hundred (200) square feet of interior landscaping required (parking lots), at least one mature deciduous shade tree shall be provided. Such trees shall have a clear trunk at least seven (7) feet above finished grade. Applicants are encouraged to utilize rain gardens within the interior landscape islands and front, side and rear yard landscape strips in areas not underlain with Carbonate Geology as depicted upon the Natural and Cultural Features Map; and,
4. Those landscape strips and/or screens that are located at the periphery of a property shall include a continuous planting of low-level vegetation to act as a trash and litter trap/barrier for the subject property. Such vegetation shall be located and maintained so as not to interfere with any clear sight-triangle as regulated in Sections 301.C., 303 and 304.C. of this Ordinance.

321.D. SCREENING

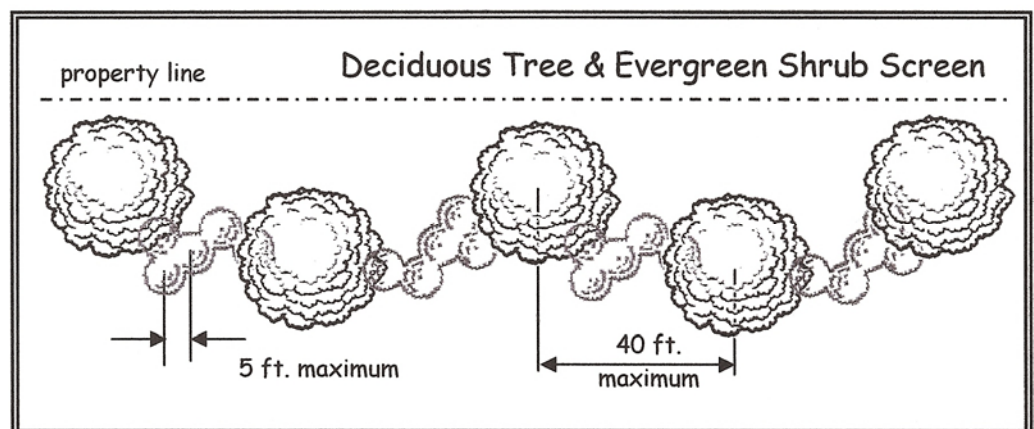
1. Such screening shall be located as specified. When no location is specified, screening shall occur along the subject property's lot line, except that screening can be located elsewhere on the subject property if the applicant can prove that the alternate location affords a more effective screen for the proposed use by reason of natural site conditions, on and adjoining, the site, or because of the site design. Alternate screening location shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening location with assistance from the Township engineer.
2. Screening shall be arranged so as to block the ground level views between grade, and a minimum height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation and shall be comprised of plants approved for screening purposes as listed in Section 321.E.3. of this Ordinance. As screens can take many forms and incorporate different materials and treatments (e.g. vegetation, berms, fences, walls and combinations) the following present several typical landscape screening arrangements:
 - A. Screening may consist of a minimum of two rows of evergreen trees that are at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternately as depicted below:



- B. Screening may consist of a minimum of two rows of vegetation (e.g. deciduous trees with evergreen shrubs). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



- C. Screening may consist of a combination of a minimum of two rows of evergreen trees alternating with a minimum of two rows of deciduous trees and evergreen shrubs. Evergreen trees shall be at least three (3) years in age and a minimum of six feet (6') in height at the time of planting. Each row of evergreen trees shall be located at least fifteen (15) feet apart with plants arranged fifteen (15) feet on center, staggered alternatively). Deciduous trees shall be at least three (3) years in age with a minimum two-inch (2") diameter clear trunk at least five feet (5') above finished grade that are planted a maximum of forty feet (40') apart on center. Evergreen shrubs shall be located beneath and between the deciduous trees planted at an initial height of not less than four feet (4') with a minimum mature height of six feet (6'). Evergreen shrubs shall be planted no more than five feet (5') apart on center.



- D. As an alternate to the preceding arrangements, an applicant can request an alternate landscape screen arrangement if he/she can prove through expert evidence that the proposed alternate arrangement:
- i. Will result in an equally effective blockage of ground-level views between the subject and adjoining properties;

- ii. Will employ an attractive combination of vegetation (e.g. deciduous and evergreen trees, hedges, or shrubs) that presents a more natural appearance; and,
 - iii. Has a better chance for long-term survival and maintenance given the characteristics of the location upon the subject property.
 - iv. Alternate screening arrangements shall be approved by the Board of Supervisors as part of the land development process; when no land development is required, the Zoning Officer may approve alternate screening arrangements with assistance from the Township engineer.
- E. Walls, fences, earth berms, or other approved similar materials may also be used to supplement the required vegetation of a landscape screen. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screens located within the front yard that incorporate a sight-tight fence or wall shall include on the street side of the screen the use's required front yard landscape strip along with its required shade trees as specified in the above Section 321.C.2. of this Ordinance.

321.E. SELECTION OF PLANT MATERIALS

1. No vegetation shall include any noxious or invasive species as defined herein. Trees and shrubs shall be native and typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Applicants shall select a mix of native diverse plant materials to protect against a catastrophic loss due to a disease or insect damage. "Salt tolerant" species shall be selected for locations near streets.
2. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.
3. The following lists the types of vegetation approved for specific required uses by this Ordinance within the Township:

APPROVED SHADE TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Acer rubrum</i>	Red Maple (N)	75
<i>Acer saccharum</i>	Sugar Maple (N)	100
<i>Betula nigra</i>	River Birch (N)	70
<i>Carpinus betulus</i>	European Hornbeam	60
<i>Celtis occidentalis</i>	Common Hackberry (N)	120
<i>Cercidiphyllum japonicum</i>	Katsura Tree	75
<i>Ginkgo biloba</i> (males only)	Ginkgo, Maidenhair Tree	120
<i>Gleditsia tricanthos</i>	Common Honeylocust	120
<i>Gymnocladus dioica</i>	Kentucky Coffee-tree (N)	90
<i>Liquidambar styraciflua</i>	Sweet Gum (N)	75
<i>Liriodendron tulipifera</i>	Tulip Tree (N)	150
<i>Nyssa sylvatica</i>	Black Gum (N)	50
<i>Plantanus xacerifolia</i>	London Planetree	50
<i>Quercus palustris</i>	Pin Oak	70

APPROVED SHADE TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Quercus rubra</i>	Red Oak(N)	75
<i>Quercus prinus</i>	Chestnut Oak (N)	70
<i>Tilia tomentosa</i>	Silver Linden	70
<i>Tilia cordata</i>	Littleleaf Linden	90
<i>Ulmus americana</i>	American Elm (N)	120
<i>Zelkova serrata</i>	Japanese Zelkova	80

APPROVED SMALL DECIDUOUS TREES		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Acer buergeranum</i> (tree form)	Trident Maple	30
<i>Acer campestre</i>	Hedge Maple	45
<i>Acer griseum</i>	Paper Bark Maple	40
<i>Amelanchier canadensis</i> (tree form)	Serviceberry (N)	30
<i>Betula populifolia</i>	Gray Birch (N)	30
<i>Carpinus caroliniana</i>	Ironwood, American Hornbeam (N)	35
<i>Cercis canadensis</i>	Eastern Redbud (N)	36
<i>Chionanthus virginicus</i>	Fringetree (N)	30
<i>Cladrastis lutea</i>	American Yellow-wood (N)	50
<i>Cornus florida</i>	Flowering Dogwood (N)	40
<i>Cornus kousa</i>	Kousa Dogwood	40
<i>Cornus mas</i>	Cornelian Cherry	24
<i>Halesia carolina</i>	Carolina Silverbell (N)	40
<i>Magnolia stellata</i>	Star Magnolia	20
<i>Magnolia virginiana</i>	Sweet Bay Magnolia (N)	20
<i>Malus floribunda</i> *	Japanese Flowering Crab*	30*
<i>Malus 'Red Barron'</i>	Red Barron Flowering Crabapple	20
<i>Ostrya virginiana</i>	Hop-hornbeam (N)	40
<i>Oxydendrum arboreum</i>	Sourwood (N)	30
<i>Parrotia persica</i>	Persian Parrotia	40
<i>Prunus sargentii</i>	Sargent Cherry	50
<i>Prunus serrulata</i>	'Kwanzan' Kwanzan Cherry	25
<i>Stewartia pseudocamellia</i>	Japanese Stewartia	40
<i>Syringa amurensis japonica</i>	Japanese Tree Lilac	30
<i>Ulmus parvifolia</i>	Chinese Elm	40

* Applicant must submit expert written evidence that the proposed plants are of a disease resistant variety.

APPROVED EVERGREEN TREES FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Abies concolor</i>	White Fir (N)	90
<i>Chamaecyparis nootkatensis 'pendula'</i>	Weeping Nootka False-Cypress	35
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar (N)	50
<i>Ilex opaca</i>	American Holly (N)	45
<i>Juniperus virginiana</i>	Eastern Red Cedar (N)	90
<i>Picea abies</i>	Norway Spruce	120

APPROVED EVERGREEN TREES FOR SCREENING

Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Picea omorika</i>	Serbian Spruce	90
<i>Picea pungens</i>	Colorado Spruce (N)	100
<i>Pinus flexilis</i>	Limber Pine (N)	50
<i>Pinus strobus</i>	Eastern White Pine (N)	100
<i>Pinus strobus</i> 'Fastigiata'	Pyramidal White Pine (N)	40
<i>Pinus thunbergi</i>	Japanese Black Pine	90
<i>Pseudotsuga taxifolia</i>	Douglas Fir (N)	100
<i>AThuja occidentalis</i> 'pyramidalis'	Pyramidal Arborvitae (N)	15
<i>Thuja occidentalis</i>	'Emerald Emerald Arborvitae (N)	15
<i>Tsuga canadensis</i>	Canadian Hemlock (N)	90

APPROVED DECIDUOUS SHRUBS

Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Aesculus parviflora</i>	Bottlebrush Buckeye (N)	12
<i>Aronia arbutifolia</i>	Red Chokeberry (N)	8
<i>Aronia melanocarpa</i>	Black Chokeberry (N)	8
<i>Calycanthus floridus</i>	Common Sweetshrub	9
<i>Cephalanthus occidentalis</i>	Buttonbush (N)	10
<i>Chaenomeles speciosa</i>	Common Flowering Quince	10
<i>Clethra alnifolia</i> and cultivars	Summersweet Clethra	8
<i>Cornus alba</i> and cultivars	Tatarian Dogwood	10
<i>Cornus amomum</i>	Silky Dogwood (N)	10
<i>Cornus racemosa</i>	Gray Dogwood (N)	15
<i>Cornus sericea</i>	Red Oosier Dogwood (N)	9
<i>Cotinus coggygia</i> and cultivars	Smokebush	15
<i>Fothergilla major</i>	Large Fothergilla (N)	10
<i>Hamamelis virginiana</i>	Common Witchazel (N)	20
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea (N)	6
<i>Ilex verticillata</i>	Common Winterberry (N)	10
<i>Itea virginica</i>	Virgina Sweetspire (N)	6
<i>Lindera benzoin</i>	Spicebush (N)	10
<i>Myrica pennsylvanica</i>	Northern Bayberry (N)	12
<i>Philadelphus virginialis</i>	Sweet Mockorange	12
<i>Physocarpus opulifolius</i>	Common Ninebark (N)	9
<i>Sambucus canadensis</i>	American Elder (N)	12
<i>Spiraea x vanhouttei</i>	Van Houtte Spiraea	10
<i>Symphoricarpos albus</i>	Common Snowberry (N)	6
<i>Syringa vulgaris</i> and hybrids	Common Lilac	15
<i>Vaccinium corymbosum</i>	Highbush Blueberry (N)	12
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum (N)	6
<i>Viburnum carlesii</i>	Korean Spice Viburnum	5
<i>Viburnum dentatum</i>	Arrow Wood Viburnum (N)	12
<i>Viburnum lentago</i>	Nannyberry Viburnum (N)	18
<i>Viburnum prunifolium</i>	Black Haw Viburnum (N)	15

APPROVED EVERGREEN SHRUBS FOR SCREENING		
Botanical Name	Common Name (N–Native)	Mature Height (ft.)
<i>Chamaecyparis pisifera</i> 'Boulevard'	Boulevard False Cypress	12
<i>Ilex glabra</i>	Inkberry (N)	8
<i>Juniperus chinensis</i> shrub cultivars	Chinese Juniper	3-15
<i>Kalmia latifolia</i>	Mountain Laurel (N)	15
<i>Leucothoe fontanesiana</i>	Drooping Leucothoe (N)	6
<i>Picea glauca</i> 'conica'	Dwarf Alberta Spruce	10
<i>Pieris floribunda</i>	Dwarf Alberta Spruce	6
<i>Pinus mugo</i>	Mugho Pine	6
<i>Rhododendron catawbiense</i> & cultivars	Catawba Rhododendron (N)	10
<i>Rhododendron</i> 'P.J.M' and cultivars	P.J.M. Rhododendrons	6
<i>Taxus x media</i> and cultivars	Yew	3-12
<i>Thuja occidentalis</i> 'Techny'	Mission Arborvitae	8

APPROVED GROUNDCOVERS		
Botanical Name	Common Name (N–Native)	Mature Height (in.)
<i>Ajuga reptans</i>	Ajuga/Carpet Bugleweed	4-6
<i>Hedera helix</i>	English Ivy	6-8
<i>Juniperus horizontalis</i>	Creeping Juniper	8-24
<i>Liriope muscari</i>	Lilyturf	12-24
<i>Liriope spicata</i>	Lilyturf	12
numerous genera, species, cultivars	Ornamental Grasses	12-60
<i>Ophiopogon japonicus</i>	Mondo Grass	4-6
<i>Pachysandra terminalis</i>	Japanese Spurge	12
<i>Vinca minor</i>	periwinkle/vinca	4-6

SECTION 322 SIGNS

322.A. PURPOSE.

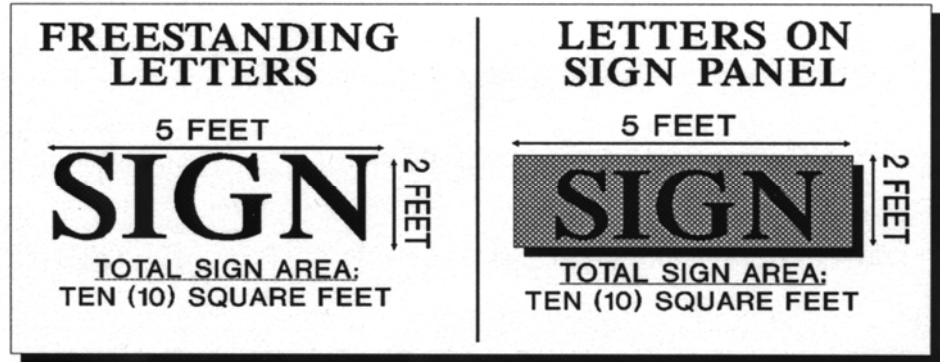
1. To provide for signs as a means of effective visual communication.
2. To promote adopted comprehensive planning and zoning objectives.
3. To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
4. To improve the safety of pedestrians, vehicular traffic, and property.
5. To enhance the economic value of the community.
6. To enhance the aesthetic environment.
7. To minimize adverse effects of signs on nearby property.
8. To otherwise promote the public health, safety, morals, and general welfare of the community.
9. To regulate the use of signs through a sign permitting process.

10. To enable the fair and consistent enforcement of these sign regulations.

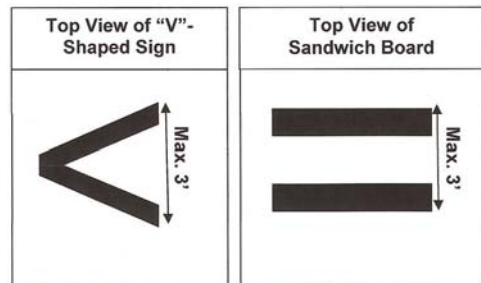
322.B. SIGN AREA AND HEIGHT

The following guidelines shall apply when interpreting area and height regulations in this Section.

1. Area - The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs, or other display.



- A. When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background, and space between elements; it shall not include any supporting structure unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
- B. When the sign is applied to a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.
- C. When a single sign structure has more than one (1) face with the same message, and no two (2) sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.



2. Height - The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.
- A. No sign shall be higher than the height limitation imposed by this Ordinance.
- B. The height of freestanding signs shall be controlled by the standards in Tables 1, 2, 3 and 4 listed in Section 322.D. of this Ordinance.
- C. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.

- D. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

322.C. GENERAL REGULATIONS

The following regulations shall apply to all signs, in addition to the specific regulations contain in the following provisions of this Section. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.

1. All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner.
2. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
3. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.
4. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
5. Each property that displays one (1) or more permanent freestanding signs and that is in an area where street addresses have been assigned, must prominently display the address on one (1) permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design that is easily identifiable and legible from moving traffic in the street at a distance of one hundred (100) feet (three [3] inch high lettering/numerals with a three-quarter [$\frac{3}{4}$] inch stroke). The area taken up by the address does not count as part of the sign area. Shopping center signs are exempt from this requirement.
6. No temporary signs shall be permitted except as authorized elsewhere in this Section.
7. No sign shall be located within a street right-of-way, except a government sign, a public utility sign, a sidewalk sign, a non-profit organization sign, or another sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation.
8. All freestanding signs shall be setback a minimum distance equal to the sign height from the street right-of-way, front lot line or a distance ten (10') feet from the street cartway, whichever is the greater distance. All freestanding signs shall be setback a minimum distance equal to the sign height from each side lot line. No sign within the clear sight triangle shall obstruct vision between the heights of thirty (30) inches and eight (8) feet above the elevation of the centerline of the street.
9. No signs shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the Board of Supervisors.
10. No sign shall be placed so as to obstruct any door, stairway, window, fire escape, or other means of egress or ingress.
11. No sign shall be placed so as to obstruct ventilation or light from a building.
12. No overhead sign shall have a clearance of less than eight (8) feet between any

pedestrian walk and the lowest part of the sign nor less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.

13. No flat wall sign shall project more than eighteen (18) inches from the face of the wall to which it is attached over a public sidewalk.
14. No wall projecting sign shall project more than forty-eight (48) inches from the face of the wall to which it is attached over a public sidewalk.
15. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
16. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
17. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
18. No sign shall advertise activities or products that are illegal under Federal, State, or local municipal laws or regulations.
19. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.
20. No streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar materials shall be displayed outside a building. (See "Special Event Sign" in Temporary Sign Regulations Table for regulations that apply to banners used as special events signs).
21. In addition to any other signage permitted by this Section, each commercial or industrial property may display one (1) flag not to exceed thirty-five (35) square feet with a company or corporate identification logo on premise on an approved, standard flagpole.
22. No sign shall emit smoke, visible vapors, particles, sound, or odor.
23. No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.
24. No inflatable signs shall be permitted.
25. No open flames shall be permitted as part of a sign or in any other way to attract attention.
26. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Section.
27. Any sign may be exempted from the regulations of this Section as a special exception in accordance with Section 804.C. of this Ordinance, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
28. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.

29. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any residential Zone, or any part of a building or property used for residential purposes.
30. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
31. Business signs in other than C, VC, I and E Zones shall not be illuminated when the business is closed.
32. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.
33. The lighting of all signs shall comply with Section 310.F. of this Ordinance.
34. Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the C, I and E Zones and shall comply with the following requirements:
 - A. Such signs shall employ sufficient size lettering and/or symbols for immediate recognition by motorists;
 - B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning;
 - C. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect for immediate recognition by motorists;
 - D. Community Service – All dynamic message display sign owners must use at least twenty percent (20%) of the operating time per each eight (8) hour cycles for community service (i.e., time, temperature, and school closing, weather, nonprofit, announcements);
 - E. All owners must notify **AMBER ALERT** and register its location for use as needed at:

(www.amber.state.pa.us/amber/guestaccount/registration_form.asp.) as may be amended.
 - F. During times of Amber Alert the dynamic message display must display such information as provided by the PA State Police for no less than fifty percent of the operating time during each one (1) hour cycle;
 - G. All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage; and,
 - H. Each message display cycle shall comply with the following minimum time standards based upon the lowest speed limit of the road travel lane from which the sign is visible:

Required Minimum Message Display Cycles (seconds)			
Speed Limit (miles per hour)	Total sign area with up to 64 square feet	Total sign area with between 64 and 300 square feet	Total sign area with more than 300 square feet
25 mph	17 sec.	28 sec.	56 sec.
30 mph	14 sec.	24 sec.	48 sec.
35 mph	12 sec.	20 sec.	40 sec.
40 mph	11 sec.	18 sec.	36 sec.
45 mph	10 sec.	16 sec.	32 sec.
50 mph	9 sec.	14 sec.	28 sec.
55+ mph	8 sec.	12 sec.	24 sec.

322.D. SPECIFIC SIGN REQUIREMENTS

The tables on the following four pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:

§ 322.D. - PERMANENT SIGN REQUIREMENTS (TABLE 1)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Township. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof façade not to exceed 300 sq. ft.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	All	See footnote 1 below.	Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal feet of property line	2 square feet per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 foot intervals.	No
Institutional & Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per sign	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 feet, but no closer than 10 feet from any lot line.	SMC, A, OSR, R-1, R-2, R-3 & AQC	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	25 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 64 square feet per sign.	15 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	All, except E and VC, see Tables 4 & 5, respectively	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign; however, no more than 10% shall exceed 16 sq. ft.	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	All, except E and VC, see Tables 4 & 5, respectively		No
Billboards	See Section 414 of this Ordinance.								Yes

¹In addition, two (2) off-premise signs shall be permitted per use. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within two hundred (200) feet of any street intersection.

§ 322.D. TEMPORARY SIGN REQUIREMENTS (TABLE 2)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height of Roof & Wall Projecting Signs	Maximum Projection from Roof/Wall for Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 square feet	5 feet	Not Permitted	Not Permitted	Not Permitted	All, except E, see Table 4	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E, see Table 4	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 square feet per sign	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E, see Table 4	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All, except E and VC, see Tables 4 & 5, respectively but only after final plan is approved.	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other non-residential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C, & I but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 square feet if freestanding; 48 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	C & I	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 square feet	5 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
Garage/yard sale signs upon properties conducting such sales.	2	4 square feet per sign	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	See Section 442 for additional requirements.	No
Political signs.	Unlimited	12 square feet	5 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 30 days after an election.	No

§ 322.D. – PLANNED CENTER SIGN REQUIREMENTS (TABLE 3)

Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 110 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-canopy signs for all principal uses.	1 per use with less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Freestanding shopping center sign along limited access highway	1 per shopping center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes

§ 322.D. - SIGN REQUIREMENTS IN THE E ZONE (TABLE 4)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Other Requirements	Permit Required
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof.	1 per principal use, except that 1 freestanding sign is permitted per lot frontage.	For all attached signs, 25% of the wall, window or door to which sign is attached, not to exceed 100 square feet. In no case shall the total sign area of all signs exceed 100 square feet.	8 feet	Height of wall/roof to which sign is attached.	Height of wall/roof to which sign is attached.	3.5 feet, and no part of a sign shall be less than 10 feet above finished grade when within 5 feet of an area devoted to pedestrian traffic.	If the use is within a planned center that has a freestanding planned center sign as regulated below, no individual freestanding business sign is permitted.	Yes
Individual headquarters building signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof for uses with:	In addition to those signs permitted above:	10% of the wall, window or door to which sign is attached, not to exceed 100 square feet.	NA	Height of wall to which sign is attached	NA	NA	Such signs are only permitted as flat wall signs.	Yes
• less than 100,000 square feet of gross floor area	1 additional flat wall sign.	10% of the wall, window or door to which sign is attached, not to exceed 100 square feet, per sign.						
• between 100,000 & 200,000 square feet of gross floor area	2 additional flat wall signs.							
• between 200,000 & 300,000 square feet of gross floor area	3 additional flat wall signs.							
• greater than 300,000 square feet of gross floor area.	4 additional flat wall signs.	For 3 of the permitted signs, 10% of the wall, window or door to which sign is attached, not to exceed 100 square feet, per sign. For one sign, 550 square feet.						
Freestanding planned center sign , in lieu of individual use freestanding signs.	1 per street frontage.	1 square feet per 2 lineal feet of lot frontage, not to exceed 100 square feet per sign	25 feet	NA	NA	NA		Yes

§ 322.D. - SIGN REQUIREMENTS IN THE E ZONE (TABLE 4)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Other Requirements	Permit Required
On-site directional, entrance, exit, rest room, and other informational signs.	unlimited	4 square feet per sign	5 feet	Height of wall/roof to which sign is attached.	Height of wall/roof to which sign is attached.	3.5 feet, and no part of a sign shall be less than 10 feet above finished grade when within 5 feet of an area devoted to pedestrian traffic.	Such signs may include logos.	No
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed after preliminary plan approval by the governing body and removed within 20 days of erection of a permanent sign or when 90% of the lots or units have been sold or rented, whichever occurs sooner.	1 per principal lot	32 square feet	8 feet				Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Temporary real estate sale or rent signs when placed upon the property (unit) to be rented or sold.	1 per street frontage	32 square feet per sign until initial full occupancy, thereafter 16 square feet per sign.	8 feet				All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No

§ 322.D. - SIGN REQUIREMENTS IN THE VC ZONE (TABLE 5)

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height Of Flat Roof & Wall Signs	Maximum Height Of Roof & Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	2 per principal use	12 square feet, <u>plus</u> 2 square feet per 5 lineal feet of lot frontage, not to exceed 48 square feet of total sign area.	10 feet	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 feet, but not closer than 10 feet from any lot line.	VC	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 square feet per sign	5 feet	10 feet	Height of wall to which sign is attached.	2 feet	VC		No
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	4 square foot per unit of occupancy, not to exceed 16 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC but only after final plan approval	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, other non-residential, uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	4 square foot per 1,000 square feet of gross leasable floor area, not to exceed 24 square feet	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC but only after final plan approval	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	12 square feet if freestanding; 16 square feet if attached to wall	10 feet	Height of wall to which sign is attached.	Not Permitted	Not Permitted	VC	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes

322.E. NON-CONFORMING SIGNS

Non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions.

1. There shall be no expansion or increase in the non-conforming aspect in any way.
2. Maintenance and repair of the sign are permitted. If necessary, up to fifty (50) percent of the entire area of a sign and its supporting structure may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
3. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to billboards).

322.F. PERMITTING PROCEDURES AND FEES

1. Permits for the placement of signs are required as indicated by the last column in the Tables listed in Section 322.D. of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation, or alteration of the sign. Sign permit applications, forms, plan requirements, and fees shall be established by resolution of the Board of Supervisors.
2. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - A. exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected;
 - B. exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and
 - C. any other lawful information that may be required of the applicant by the Zoning Officer.
3. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
4. Permits shall be granted or refused within forty-five (45) days from date of application, or within forty-five (45) days from the date of the Zoning Hearing Board's decision, where applicable.

Article 4

Specific Criteria

Section 400 **Specific Criteria for Permitted Uses, Special Exceptions and Conditional Uses**

- 400.A. **Applicability** - It is the intent of this Article to provide special controls and regulations for particular uses that are permitted by right, special exception, or conditional use within the various Zones established in this Ordinance. All uses must comply with the standards expressed within the underlying Zone and all other applicable sections of this Ordinance, unless those standards expressed within this Article differ; in such case, the specific standards listed within this Article shall apply.
- 400.B. **Permitted Uses** - For uses permitted by right, these standards must be satisfied prior to approval of any application for a land development (when applicable) or a zoning permit. The applicant shall have the burden of proof that the proposed use is in compliance with these standards and all applicable regulations contained within this Ordinance and must furnish whatever evidence is necessary to demonstrate such compliance.
- 400.C. **Special Exceptions** - For uses permitted by special exception, this Article sets forth standards that shall be applied to each respective special exception. The applicant shall have the burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and those contained within this Article 4. The applicant shall also submit competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance. These standards must be satisfied prior to approval of any application for a special exception by the Zoning Hearing Board.
- 400.D. **Conditional Uses** - For uses permitted by conditional use, this Article sets forth standards that shall be applied to each respective conditional use. The applicant shall have the burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and those contained within this Article 4. The applicant shall also submit competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance. These standards must be satisfied prior to approval of any application for a conditional use by the Board of Supervisors.
- 400.E. **Setback Measurements** - For the purposes of this Article 4, any required setbacks imposed upon any use, building and/or structure, shall be measured from the boundary line of the site for which the proposed use, building and/or structure is requested, regardless of whether or not this line corresponds to a property line or a lease line.

Section 401 Adaptive Reuse of Agricultural Buildings

- 401.A. Within the A Zone the Adaptive Reuse of Agricultural buildings that existed on the effective date of this Ordinance is permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 401.B. Any use proposed under this Section must be permitted within the Township, but not be permitted by right, special exception or conditional use, within the A Zone. The addition of new dwelling units are permitted subject the limitations expressed within Section 201.E. of this Ordinance.
- 401.C. Any number of uses may be permitted under this Section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.
- 401.D. Any use proposed under this Section that has specific criteria applied to it within other non-Agricultural Preservation Zones, and listed in this Article 4 of this Ordinance, shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because:
1. the specific criteria provide a level of protection that exceeds that necessary to protect the character of the site and its surroundings, and/or
 2. the specific criteria provide a level of protection that exceeds that necessary to protect adjoining properties because of man-made and/or natural conditions upon the site.
- 401.E. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.
- 401.F. The applicant shall obtain any necessary land development approvals.
- 401.G. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed. All off-street parking and/or loading areas shall be screened from adjoining residences and off-street loading areas shall be screened from adjoining roads.
- 401.H. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that:
1. can be effectively accommodated without adverse impact to adjoining uses, and,
 2. will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.

Section 402 Adult Uses

- 402.A. Within the I Zone, adult uses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 402.B. An adult use shall not be permitted to be located within one thousand feet (1,000') of any other adult-related use;

- 402.C. No adult use shall be located within one thousand feet (1000') of any land within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones;
- 402.D. No adult use shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:
1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate.
- 402.E. The distance between any two adult uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use;
- 402.F. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
- 402.G. Any building or structure used and occupied as an adult use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- 402.H. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- 402.I. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
- 402.J. No adult use may change to another adult use, except upon approval of an additional conditional use;
- 402.K. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- 402.L. No unlawful sexual activity or conduct shall be permitted; and,
- 402.M. No more than one adult use may be located within one building or industrial park.

Section 403 Airports/Heliports

- 403.A. Within the A Zone, airports/heliports are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

- 403.B. Minimum Lot Area - Thirty (30) acres for airports and five (5) acres for heliports;
- 403.C. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- 403.D. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- 403.E. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighboring” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock; and,
- 403.F. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred feet (300') from any property line.

SECTION 404 ALTERNATE ENERGY PRODUCTION FACILITIES

- 404.A. Within all Zones, alternate energy production facilities are permitted accessory uses by right, subject to the following criteria:
- 404.B. Alternate energy production facilities shall be primarily utilized by the principal use of the lot upon which it is located. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company, if the applicant submits written expert evidence that the proposed alternate energy production facility is designed not to exceed the following energy generating parameters:
1. The maximum energy generated for a residential use shall not exceed 1.5 times the annual energy needs of the principal residential use upon whose site the alternate energy production facility is located.
 2. The maximum energy generated for a commercial use shall not exceed 2.0 times the annual energy needs of the principal commercial use upon whose site the alternate energy production facility is located.
 3. The maximum energy generated for an industrial use shall not exceed 3.0 times the annual energy needs of the consumer of the principal industrial use upon whose site the alternate energy production facility is located.
 4. The maximum energy generated for a governmental, school, hospital, church and/or other similar institutional use shall not exceed 4.0 times the annual energy needs of the consumer of the principal use upon whose site the alternate energy production facility is located.
- 404.C. Except as specifically permitted by Section 404.G. of this Ordinance, alternate energy production systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems do not exceed the permitted height requirements of the zone in which it is located.
- 404.D. Alternate energy production systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the zone in which it is located.
- 404.E. Alternate energy production systems may be erected as detached accessory structures or attached to a building provided that the structural components of such systems comply with all

applicable setbacks of the zone in which it is located. Systems attached to a principal structure will be required to comply with principal use setbacks.

404.F. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road.

404.G. The following provisions shall specifically apply to wind turbines:

1. Wind turbines shall be setback from the nearest occupied building upon the subject property a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the occupied building.
2. Wind turbines shall be setback from the nearest adjoining property a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining property.
3. All wind turbines shall be setback from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the public road to the center of the wind turbine base. This Section shall not be interpreted to permit the location of a wind turbine in the front yard if such structure is not permitted in the front yard within its respective Zone.
4. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of fifteen (15) feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.
5. The maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
6. All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
7. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

404.H. The following provisions shall specifically apply to geothermal systems:

1. Prior to installation, all installation specifications and drawings for the geothermal system must be approved by the Township's geotechnical consultant as conforming to the International Ground Source Heat Pump Association (IGSHPA) installation standards, as same may be amended and updated from time;
2. The vertical geothermal system well (or wells) installation will be made only by a Pennsylvania-licensed well driller;
3. No geothermal system sub-surface loops will be located closer than twenty feet (20') from any existing drinking water wells or any planned drinking water wells;
4. The vertical loop in a geothermal system well (or wells) shall be pressure-grouted bottom to top with a bentonite-based or cement-based material of 0.0000001 centimeter per second or lower permeability; and
5. With respect to each geothermal system well installation, the Pennsylvania-licensed well

driller and/ or system installer shall provide to the Township, before activation of the system copies of:

- a. Accurate written records and a written geologic log;
 - b. Accurate records with respect to grouting for each such well;
 - c. "As-built" plans and related documentation for each such system and well location;
 - d. Written documentation of the geothermal system testing and certification; and
 - e. A written "plan" for the operation of the geothermal system proposed by the applicant and approved by the system installer which, among other matters, provides that:
 1. Any geothermal system leaks or releases will be reported by the applicant (and subsequent owner) to the Township Zoning Officer (610-282-1171, ext. 2) within twenty-four (24) hours of the discovery of same, and the applicant (and subsequent owner) covenants and agrees to take appropriate action to minimize any fluid release to the ground and to promptly repair any system leaks; and
 2. In the event of the proposed discontinuance of the use of the geothermal system, a system closure plan will be prepared and submitted to the Township for its approval by the landowner prior to the conveyance by the landowner of the land to any third party.
 - f. Every geothermal system to be installed or constructed in areas of the Township underlain by carbonate bedrock, as depicted on the Natural and Cultural Features Map as Carbonate Geology, and Floodplain Zones, Riparian Buffers, Wetlands and Buffers, and PNDI sites regulated by Section 515 of this Ordinance must be a "closed-loop" system. In all other areas of the Township, "open-loop" and "closed-loop" geothermal systems may be permitted upon review and approval by the Township's geotechnical consultant.
 - g. No geothermal system shall be connected in any way to any facilities for sanitary sewer or stormwater management.
 - h. All sub-surface piping for closed-loop geothermal systems shall be constructed of heat-fused polyethylene or a similar, substitute material. All substitute material shall be subject to review and approval by the Township's geotechnical consultant. System leak testing shall be 150 percent higher than operating pressure. All mechanical connections and fittings between dissimilar materials shall be inside or accessible. Thread sealant shall be specified for use with the antifreeze selected. Loop charging valves shall be removed and/or the ports sufficiently plugged to prevent accidental discharge of system fluid and pressure.
 - i. Only water, ethanol-water, or propylene glycol-water mixtures shall be used as the circulating fluid for a closed-loop geothermal system, unless a similarly inert fluid is approved for use by the Township's geotechnical consultant. Automatic make-up valves shall not be used to add circulating fluid to the system, and a safety switch shall be incorporated to disable the system should circulating fluid be lost.
- 404.I. Above-ground alternate energy production facilities shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be

artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

- 404.J. On-site transmission and power lines of an alternate energy production facility shall be placed underground.
- 404.K. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- 404.L. The applicant shall provide written evidence that the proposed alternate energy production facility shall comply with the noise standards listed in Section 312 of this Ordinance.
- 404.M. The applicant shall ensure that no shadow flicker will impact adjoining residences.
- 404.N. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternate energy production facility.
- 404.O. The applicant shall provide written evidence from the Chief of the “first-due” fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.
- 404.P. The design of the alternate energy production facility shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code.

Section 405 Amusement Arcades

- 405.A. Within the C Zone, amusement arcades are permitted by special exception and within the VC Overlay Zone amusement arcades are permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows and within the VC Overlay Zone amusement arcades are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 405.B. All activities shall take place within a completely-enclosed building;
- 405.C. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- 405.D. A minimum of one parking space for each eighty (80) square feet of gross floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 314.V. of this Ordinance; and,
- 405.E. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 406 Amusement, Theme and/or Zoo Parks

- 406.A. Within the C Zone, amusement, theme and/or zoo parks are each permitted by conditional use provided that the applicant has met his/her burden of proof that the proposed use meets all

applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

- 406.B. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 406.C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
1. The proposed uses are coordinated to function as a single site;
 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
 6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.
- 406.D. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 406 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:
1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
 2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
 3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.C. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;

4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
5. The name, location, centerline and present right-of-way width of all abutting streets;
6. The natural and cultural features information as required by Article 5 of this Ordinance.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc:)
9. A traffic impact study meeting the requirements of the SALDO;
10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
11. Noise as regulated by Section 312 of this Ordinance;
12. Lighting as regulated by Section 310 of this Ordinance;
13. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
14. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
15. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
16. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 313 and 314, respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
17. The handling and disposal of materials and wastes as required by Section 317.F. of this Ordinance;
18. Methods used to contain, collect and dispose of litter on the site. This shall include a

written description of a working plan for litter clean-up;

19. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
20. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 322 of this Ordinance; and,
21. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the C Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
22. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77;
 - d. For new buildings and building expansions, the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
 - e. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
 - f. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
 - g. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
 - h. For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used;
 - i. For new buildings and building expansions, forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor; and,
 - j. If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.

406.E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

1. Such modifications of standards better serve the design and operational objectives listed in Section 406.C. of this Ordinance;
2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
3. Such modifications will not result in an increase in permitted lot coverage for the site; and,
4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 406 of the Zoning Ordinance.

406.F. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.A.4. of this Ordinance provided that:
 - a. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - b. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - c. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 - d. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 407 Auction House, Excluding Automobile Auctions

407.A. Within the C Zone, auction houses, excluding automobile auctions, are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:

407.B. All auction activities shall be conducted within a completely enclosed building.

- 407.C. The temporary outdoor storage of items to be auctioned shall be permitted no more than seventy-two (72) hours prior to and seventy-two (72) hours following the conduct of an auction. Items that do not sell at any given auction must either be stored indoors or removed from the site within seventy-two (72) hours following the conduct of an auction.
- 407.D. Off-street parking shall be provided at the rate of one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time. Oversized off-street parking shall be provided at the rate of one (1) space per each fifteen (15) persons of legal occupancy within the auction house.
- 407.E. A minimum of four off-street loading spaces shall be provided, subject to increases in accordance with the schedule listed in Section 313.M. of this Ordinance.
- 407.F. Should the proposed use include a cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.

Section 408 Automobile and/or Animal Racing Facility With or Without Related Wagering

- 408.A. Within the C Zone, automobile and/or animal racing facilities with or without related wagering are permitted by conditional use provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 408.B. Purpose - This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- 408.C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
1. The proposed uses are coordinated to function as a single site;
 2. The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 3. The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
 4. The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
 5. The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,

6. The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.

408.D. Stage 1- Concept Master Plan - Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this Section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors in accordance with Section 905 of this Ordinance. The requirements of this Section 408 shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

1. The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
2. The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
3. A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval, pursuant to Section 905.C. of this Ordinance that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
4. The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
5. The name, location, centerline and present right-of-way width of all abutting streets;
6. The natural and cultural features information as required by Article 5 of this Ordinance.
7. Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
8. Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, etc.)
9. A traffic impact report as required by Section 425.9. of the SALDO;
10. Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the on-site stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
11. Noise as regulated by Section 312 of this Ordinance;
12. Lighting as regulated by Section 310 of this Ordinance;
13. Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;

14. Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
15. Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
16. Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces listed in Sections 313 and 314, respectively, of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
17. The handling and disposal of materials and wastes as required by Section 317.F. of this Ordinance;
18. Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
19. For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
20. Scaled graphic representations of those signs used to attract the public onto the site in accordance with Section 322 of this Ordinance; and,
21. Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6') high fence, and shall be subject to the C Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
22. Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - a. That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - b. The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - c. The applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77;
 - d. The applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;

- e. If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
- f. An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
- g. If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
- h. Knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used; and,
- i. Forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.

408.E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this Section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- 1. Such modifications of standards better serve the design and operational objectives listed in Section 408.C. of this Ordinance;
- 2. Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
- 3. Such modifications will not result in an increase in permitted lot coverage for the site; and,
- 4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 408 of the Zoning Ordinance.

408.F. Stage 2 Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a zoning permit before constructing the proposed use pursuant to Section 901 of this Ordinance. As part of the granting of a zoning permit for uses proposed and contained in the Concept Plan, the Zoning Officer shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

- 1. Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
- 2. A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The Zoning Officer may require additional review by other Township staff or Township-appointed consultants. Such zoning permit shall be approved and issued in accordance with the time limits of Section 901.A.4. of this Ordinance provided that:
 - a. the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - b. the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;

- c. the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
- d. the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

Section 409 Automobile Auctions and Storage Yards

- 409.A. Within the I Zone, automobile auctions and storage yards are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 409.B. The subject property must front upon and have direct vehicular access to a collector or arterial road as listed in Section 320 of this Ordinance.
- 409.C. The applicant shall be required to submit an expert-prepared on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and manner in which vehicles for auction arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.
- 409.D. Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- 409.E. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 314 of the Zoning Ordinance, except that such areas:
- 1. may be arranged with blocks of horizontally-stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle or piece of heavy equipment shall be located more than one hundred feet (100') from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide, unless greater width is required under Section 314.I. of the Zoning Ordinance;
 - 2. may employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred feet (100') from the closest property line. Vertical stacking shall not exceed thirty-five feet (35');
 - 3. need not be paved, but must have an all-weather and dust-free surface;
 - 4. shall be completely enclosed by a six foot (6') high fence, which shall be subject to the I Zone's setback requirements imposed upon off-street parking lots;
 - 5. shall be lighted to provide an average of minimum one (1) foot candle level of illumination at an elevation of three (3) feet above grade for the detection of suspicious movement. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads; and,

6. need not comply with the interior landscaping requirements, but must be screened from adjoining roads and properties.
- 409.F. Exterior areas used for the display and sales of automobiles shall comply with the off-street parking design requirements of Section 314 of the Zoning Ordinance.
- 409.G. Areas to be used by employees or customers after dusk, shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
- 409.H. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 312 of this Ordinance.
- 409.I. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided amid any exterior sales and/or display area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.
- 409.J. The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No “porta-potties” are permitted.
- 409.K. The subject property may contain facilities for the service, repair and reconditioning of vehicles provided:
 1. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site’s on-site circulation plan as required in Section 409.C. of this Ordinance;
 2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building and shall be limited to vehicles that are to be auctioned on the site;
 3. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted; and,
 4. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.
- 409.L. The subject property shall contain a road test track which shall be conveniently linked to the sales area. The test track shall be strictly operated so that customers must use the track for test drives rather than the site’s circulation system and adjoining roads. The applicant must demonstrate the means by which patrons will be directed and required to conduct road tests on the site’s test track. The test track shall be setback at least twenty (20) feet from adjoining property lines and fifty (50) feet from adjoining roads. If such test track is to be used after dusk, it shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged to reflect the light away from adjoining properties and roads.
- 409.M. The applicant shall furnish evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

- 409.N. No part of the subject property shall be located within three hundred feet (300') of any land within the R-1, R-2, R-3 and AQC Zones.
- 409.O. A traffic impact report shall be prepared in accordance with Section 322 of this Ordinance and shall devote particular emphasis on movements of vehicles that may be moving between the subject property and other nearby uses that assist in making vehicles ready for sale.
- 409.P. One truck driver lounge with comfort and bathing facilities, a restaurant, cafeteria or refreshment counter and a filling station are permitted accessory uses provided such use are located, designed and operated in a manner that is meant to serve those persons directly associated with the principal uses while they are on the site. No entrances and/or signage shall be oriented towards attracting patrons from off-so the site. Should the proposed use include a restaurant, cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.
- 409.Q. One off-street parking space shall be provided for each 1000 square feet of total interior and exterior display, sales and storage area for vehicles. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site.

Section 410 Automobile Filling Stations (Including Minor Incidental Repair)

- 410.A. Within the C Zone, automobile filling stations (including minor incidental repair) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 410.B. The subject property shall have a minimum width of one hundred twenty-five feet (125');
- 410.C. The subject property shall front on an arterial or collector road;
- 410.D. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home;
- 410.E. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
- 410.F. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line;
- 410.G. No outdoor storage of auto parts shall be permitted;
- 410.H. Access driveways shall be a minimum of twenty-eight feet (28') and a maximum of thirty-five feet (35') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge;
- 410.I. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any land within an R-1, R-2, R-3 and AQC Zone; and,
- 410.J. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 411 Automobile Service and Repair Facilities, Including, But Not Limited To, Auto Mechanics, Drive-Thru Lubrication Services and Tires, Auto Paint, Brake, Muffler, Transmission, Windshield, Auto Body, Car Radio, and Upholstery Shop

- 411.A. Within the C Zone, automobile service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2., and within the I Zone such uses are permitted by right, both subject to the following criteria:
- 411.B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 411.C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 411.D. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- 411.E. All exterior vehicle storage areas shall be screened from adjoining roads and any land within an R-1, R-2, R-3 and AQC Zone;
- 411.F. The storage of vehicles on the property without current registration is prohibited;
- 411.G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the an R-1, R-2, R-3 and AQC Zone;
- 411.H. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building;
- 411.I. The demolition or junking of motor vehicles is prohibited; and,
- 411.J. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 412 Bed and Breakfasts

- 412.A. Within the SMC, A, OSR, R-1, R-2, R-3 and VC Zones, bed and breakfasts are permitted by right subject to the following criteria:
- 412.B. Except within the VC Overlay Zone, bed and breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance;
- 412.C. Any modifications to the external appearance of the building (except fire escapes) shall complement its residential character;
- 412.D. All floors above or below grade shall have a permanently affixed direct means of escape to ground level;
- 412.E. One (1) off-street parking space shall be provided for each room available for rent, in addition to

those required for the dwelling unit;

- 412.F. All parking areas shall be set back a minimum of ten feet (10') from all property lines, and shall be screened from adjoining lots and streets;
- 412.G. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size which must be set back ten feet (10') from all lot lines;
- 412.H. Breakfast is the only meal that can be served associated with a bed and breakfast, and then only to registered overnight guests;
- 412.I. Within the VC Overlay Zone bed and breakfasts may have up to ten sleeping accommodations;
- 412.J. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used; and,
- 412.K. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.

Section 413 Beekeeping

- 413.A. Within the SMC, A, OSR, and R-1 Zones, beekeeping is a permitted accessory use to an agricultural or horticultural use or single family detached residence subject to the following criteria:
- 413.B. The site shall contain a minimum of one (1) acre;
- 413.C. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance;
- 413.D. Colonies shall be maintained in movable hives;
- 413.E.. Hives shall be situated to maximize sunshine exposure and/or natural wind protection;
- 413.F. In no case shall hives be located within twenty-five feet (25') of any property line;
- 413.G. All bee hives must be registered in accordance with the PA Department of Agricultural, Entomology Section; and,
- 413.H. Hives shall not be oriented to children's play areas either on the site or an adjoining property.

Section 414 Billboards

- 414.A. Within the I Zone, billboards are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 414.B. No billboard shall be located within one thousand feet (1,000') of another billboard as measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each land use;
- 414.C. Billboards shall only be permitted upon properties with frontage along an arterial road as listed in Section 320 of this Ordinance;
- 414.D. All billboards shall be a minimum of fifty feet (50') from all property lines and street right-of-way;

- 414.E. All billboards shall be set back at least three hundred feet (300') from any land within a R-1, R-2, R-3 and AQC Zone;
- 414.F. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification;
- 414.G. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five feet (25') in height;
- 414.H. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation;
- 414.I. Any lighting used for billboards shall be designed in accordance with Section 310.F.11. to only illuminate the face of the billboard and not cast glare on adjoining areas or in an upward direction;
- 414.J. Billboards incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like display shall comply with Section 322.C.34. of this Ordinance; and,
- 414.K. The applicant must demonstrate that the proposed use will comply with the Pennsylvania Outdoor Advertising Control Act.

Section 415 Boarding Houses

- 415.A. Within the R-3 Zone, boarding houses are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 415.B. Boarding houses must include a full-time on-site resident manager who is not a boarder on the site;
- 415.C. The following minimum lot area requirements shall be provided:

Minimum Required Lot Size	plus	Additional Lot Area Per Boarder (up to 10 boarders)
15,000 sq. ft.	plus	5000 sq. ft.

- 415.D. The applicant shall furnish evidence that approved systems for public sewage disposal and water supply shall be used;
- 415.E. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted;
- 415.F. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level;
- 415.G. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- 415.H. One (1) sign, not to exceed twelve (12) square feet, shall be permitted; and,
- 415.I. The applicant shall furnish proof of any needed approval from the PA Department of Labor and Industry.

- 415.J. Upon approval of a special exception for a boarding house, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the boarding house ceases to exist. At such time the applicant shall be required to furnish a list of those occupants of the boarding house on a form provided by the Township. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 416 Campgrounds

- 416.A. Within the SMC Zone, campgrounds are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 416.B. Minimum Lot Area - Ten (10) acres;
- 416.C. Setbacks - All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line;
- 416.D. Each campsite shall be at least three thousand (3,000) square feet in size. Each non-RV campsite shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area. In addition to the parking required for each campsite the campground shall provide for one parking space per employee plus 50 percent of those spaces normally required for accessory uses;
- 416.E. Vehicular access shall be provided in accordance with the following minimum standards:
1. Access drive requirements shall apply along any entrance and/or exit for a minimum length of one hundred feet (100') from an adjoining street right-of-way.
 2. Vehicular access shall be designed so that vehicles do not back up onto adjoining streets during peak exit and entrance periods.
 3. Internal vehicular cartways shall have a width of not less than twelve feet (12') for one-way vehicular flow and twenty feet (20') for two-way vehicular flow. Parking along interior vehicular circulation routes shall be prohibited, unless an additional eight foot (8') width is added to the minimum cartway for each lane of parallel parking spaces.
 4. Internal vehicular cartways serving recreational vehicles or common parking areas for tenting shall have a durable, stable and dust-free surface. Such cartways need not be paved, if a minimum depth of six inches (6") of compacted, crushed stone is provided.
 5. Internal vehicular cartways shall provide for a minimum centerline radius of fifty feet (50') at curves and intersections.
 6. Turnabouts shall be provided for all dead-end internal vehicular cartways over one hundred feet (100') in length.
 7. Notwithstanding any of the above, the design of vehicular circulation must provide for adequate emergency vehicle access. The application shall include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use, attesting to the adequacy of emergency vehicle access.

- 416.F. All outdoor play areas shall be set back one hundred feet (100') and screened from adjoining properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- 416.G. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') and screened from adjoining properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.;
- 416.H. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels;
- 416.I. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in Section 320 of this Ordinance;
- 416.J. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten feet (10') from the street right-of-way line, at least one hundred feet (100') from any adjoining lot lines;
- 416.K. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- 416.L. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground; and,
- 416.M. The applicant shall furnish evidence that all water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.

Section 417 Carriage and Buggy Horses

- 417.A. Within the SMC, A, OSR, and R-1 Zones, the keeping of carriage and buggy horses or other animals maintained for the sole purpose of providing the primary means of transportation as an accessory use to a residential dwelling are permitted by right in accordance with the following standards:
- 417.B. A maximum of four (4) such horses or other animals shall be so kept;
- 417.C. The carriage horses shall be kept within a fully enclosed building with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purposes). The same building may also be used for the sheltering of additional carriage horses belonging to visitors;
- 417.D. If a grazing area is provided, it shall be maintained with a vegetated and stable surface and enclosed by a fence designed for containment of the animals. The fence shall be located at least ten (10) feet from all property lines;

- 417.E. The owner shall submit written documentation of the methods for suitable disposal of animal waste to the Zoning Officer;
- 417.F. The building for the keeping of such horses shall comply with all principal use setbacks; and,
- 417.G. The owner of the carriage horses shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

Section 418 Car Washes

- 418.A. Within the C Zone, car washes are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 418.B. Gray water recycling is required;
- 418.C. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane;
- 418.D. For full service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane;
- 418.E. All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
- 418.F. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- 418.G. The subject property shall front on an arterial or collector road; and,
- 418.H. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 419 Casinos, Off-Track Betting Parlors and/or Slot Machine Parlors

- 419.A. Within the I and E Zones, casinos, off-track betting parlors and/or slot machine parlors are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 419.B. A casinos, off-track betting and/or slot machine parlor shall not be permitted to be located within one thousand feet (1,000') of any other casinos, off-track betting and/or slot machine parlor;
- 419.C. No casino, off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the R-1, R-2, R-3 and AQC Zones;
- 419.D. No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:

1. Amusement park;
 2. Camp (for minors' activity);
 3. Child care facility;
 4. Church or other similar religious facility;
 5. Community center;
 6. Museum;
 7. Park;
 8. Playground;
 9. School; or
 10. Other lands where minors congregate;
- 419.E The above-required distances shall be measured in a straight line without regard to intervening structures, from the closest point on the exterior property line of each land use;
- 419.F. No more than one (1) casino, off-track betting and/or slot machine parlor may be located within one building or shopping center;
- 419.G. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
- 419.H. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 419.I. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- 419.J. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- 419.K. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and casinos and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

Section 420 Cemeteries

- 420.A. Within the OSR, R-1, R-2 and R-3 Zones, cemeteries are permitted by right, subject to the following criteria:
- 420.B. All burial plots or structures shall be located at least fifty (50) feet from any street line and (20') from any property line;
- 420.C. In areas not served by public water, the applicant must submit written evidence to assure that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery; and,
- 420.D. No burial plots or facilities are permitted in Floodplain Zone.

Section 421 Churches and Related Uses

- 421.A. Within the OSR, R-1, R-2, R-3 and C Zones, churches and related uses are permitted by right, subject to the following criteria:
- 421.B. House of Worship:
1. Minimum lot area - Two (2) acres;

2. Minimum lot width - Two hundred feet (200');
3. All houses of worship shall have vehicular access to an arterial or collector highway;
4. Side yard setback - Fifty feet (50') on each side; and,
5. All off-street parking areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

421.C. Church Related Residences (Rectories and Convents):

1. All residential uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a house of worship; and,
2. All residential uses shall be governed by the location, height and bulk standards imposed upon other residences within the R-3 Zone, except that any number of church-related persons (pastors, priests, rabbis, ministers, nuns, caretakers, employees) may share group quarters.

421.D. Church-Related Schools or Day-Care Facilities:

1. All schools or day care uses shall be accessory, and located upon the same lot as a house of worship;
2. If school or day-care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
3. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
5. All schools or day-care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the R-3 Zone; and,
6. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

421.E. Cemeteries – The applicant shall demonstrate compliance with Section 420 of this Ordinance.

Section 422 Communication Antennas that are Co-located Upon Existing Structures

- 422.A. Within the SMC, A, C, I and E Zones, communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos,

steeple, smokestack, water tower, flagpole, and other similar structures) are permitted by right, subject to the following criteria:

- 422.B. The applicant submits a copy of the written agreement with the landowner upon whose structure the antenna is to be located;
- 422.C. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
- 422.D. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission;
- 422.E. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations;
- 422.F. The applicant shall submit, from a structural engineer registered in the Commonwealth of Pennsylvania, a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and that the construction methods or other measures used will prevent the toppling of any communication antenna onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads; and,
- 422.G. When one (1) or more freestanding telecommunication and wireless communications antennas are to be located on an existing structure and the general public has access to the structure on which the freestanding telecommunication and wireless communications facilities are to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, and other metals. For purposes of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.

Section 423 Commercial Day-Care Facilities

- 423.A. Within the C, VC, I and E Zones, commercial day-care facilities are permitted by right subject to the following criteria:
- 423.B. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Outdoor play areas shall be completely enclosed by a minimum six foot (6') high fence, and screened from adjoining properties with the R-1, R-2, R-3 and AQC Zone. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- 423.C. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- 423.D. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- 423.E. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,

- 423.F. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 424 Commercial Produce Operations

- 424.A. Within the A Zone, commercial produce operations are permitted by conditional use provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and within the I Zone commercial produce operations are permitted by right, both subject to the following criteria:
- 424.B. Within the A Zone the minimum lot area is ten (10) acres, except that this may be reduced if the applicant can demonstrate compliance with the Pennsylvania Right-to-Farm Law;
- 424.C. Within the A Zone the maximum permitted lot coverage is thirty percent (30%), including all impervious surfaces;
- 424.D. If applicable, the applicant shall submit written evidence from the appropriate review agency that the proposed use has an approved nutrient management plan. All subsequent operations and activities shall be conducted in accordance with such plans. If, at any time, the nutrient management plan is amended, the applicant must again submit written evidence of plan approval to the Zoning Officer;
- 424.E. The applicant shall furnish evidence from the Lehigh County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Lehigh County Conservation District that the amended plan has been approved;
- 424.F. The applicant shall abide by, and demonstrate a working knowledge of, those methods that will be employed to comply with the above-required nutrient management plan and conservation plan;
- 424.G. If greenhouses, or other buildings with substantially clear or translucent surfaces, are used, the applicant shall submit information that demonstrates compliance with Section 310 of this Ordinance;
- 424.H. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;
- 424.I. Any driveway or access drive providing for vehicular access to the proposed use shall be paved and shall maintain a fifty foot (50') wide radius for all turns and intersections;
- 424.J. Any on-site materials and/or waste storage facilities shall comply with the requirements of Section 317.F. of this Ordinance;
- 424.K. Within the A Zone, while a commercial produce operation exists, no subdivision or land development that would create an additional principal dwelling unit shall be permitted on the subject property;
- 424.L. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed;

1. In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development to estimate the impact of the new development on existing wells in the vicinity.
 2. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.
 3. A water feasibility study shall include the following information:
 - a. calculations of the projected water needs;
 - b. a geologic map of the area, with a radius of at least one mile from the site;
 - c. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - d. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - e. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - f. a determination of the long-term safe yield based on the geologic formation(s) underlying the site;
 - g. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 - h. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 424.M. Should the proposed use not make use of public water, and require more than 100,000 gallons of water per day, the applicant shall furnish written evidence of approval from the Delaware River Basin Commission;
- 424.N. The applicant shall be required to obtain an approved land development under the requirements of the Subdivision and Land Development Ordinance;
- 424.O. The applicant shall be required to submit a traffic impact study, meeting the requirements of the SALDO;
- 424.P. Within the A Zone, the applicant shall be required to submit a written qualified plan for the removal of all buildings and the reclamation of all topsoil in the event of discontinuance of the commercial produce operation. If the site is graded during construction and operation of the commercial produce operation, all topsoil shall remain on the site in a manner which makes it conveniently accessible for reclamation. Should the applicant not adequately guarantee the removal of such buildings and reclamation of topsoil upon discontinuance of the commercial produce operation at his/her expense, the use shall be denied;
- 424.Q. The site shall include one (1) off-street parking space for each employee during the largest work shift;
- 424.R. Within the A Zone, the applicant may conduct a roadside stand, as defined herein within one of the permanent buildings, but such use shall be limited to no more than three hundred (300) square feet of display area;

- 424.S. All buildings and storage/processing structures shall be set back at least one hundred feet (100') from adjoining roads and properties, and all off-street parking and loading spaces, outdoor storage areas and dumpsters shall be set back at least fifty feet (50') and screened from adjoining roads and properties;
- 424.T. One (1) sign, as provided for in Section 322, shall be permitted; and,
- 424.U. The applicant shall be required to install and maintain a riparian buffer along any watercourse that is located upon the subject property according to those specifications listed in Section 511 of this Ordinance.

Section 425 Commercial Recreation Facilities

- 425.A. Within the C Zone, commercial recreation facilities are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone commercial recreation facilities that are confined to an indoor location are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 425.B. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- 425.C. Within the C Zone, those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties. Within the VC Overlay Zone all uses must be confined to indoor locations;
- 425.D. Within the C Zone, maximum permitted height for structures regulated by this Section can exceed forty-five (45) feet provided:
1. that such structures shall not be used for occupancy;
 2. that the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 3. the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available;
 4. the applicant must submit that the proposed structure does not violate Federal Aviation Regulations No. 77; and,
 5. the applicant must demonstrate compliance with the PA Construction Code Act 45 of 1999, known as the PA Uniform Construction Code, as may be amended;
- 425.E. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- 425.F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 314.V. of this Ordinance. In addition, for uses within the C Zone, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;

- 425.G. Within the C Zone, any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion; and,
- 425.H. Any outside pedestrian waiting lines, shall be provided with a means of shade.

Section 426 Concentrated Animal Feeding Operations (CAFOs) and Concentrated Animal Operations (CAOs)

- 426.A. Within the A Zone, concentrated animal feeding operations (CAFOs) and concentrated animal operations (CAOs) are permitted by right, subject to the following criteria:
- 426.B. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least five hundred (500) feet from any land within the R-1, R-2, R-3 and AQC Zones;
- 426.C. Any building, or area used for the housing, feeding, watering, or running of livestock or poultry shall be set back at least one hundred fifty (150) feet from all permanent surface waters, wetland areas, and wells that provide water for human consumption;
- 426.D. Any new concentrated animal feeding operation and all expansions to existing operations shall be required to submit a plan for control of erosion and sedimentation prepared by a Professional Engineer and consistent with the requirements of the Nutrient Management Act. This plan shall be required even if not required by the provisions of the Nutrient Management Act itself; All subsequent operations and activities shall be conducted in accordance with such plans. If at any time, the nutrient management plan is amended, the applicant must submit written evidence of plan approval to the Zoning Officer;
- 426.E. The applicant shall furnish evidence from the Lehigh County Conservation District that the proposed use has an approved conservation plan. All subsequent operations and activities shall be conducted in accordance with such conservation plan. If, at any time, the conservation plan is amended, the applicant must again furnish evidence from the Lehigh County Conservation District that the amended plan has been approved;
- 426.F. The applicant shall submit, and abide by written qualified evidence describing those methods that will be employed to:
1. minimize odor on nearby properties in accordance with an approved odor management plan under PA Nutrient Management Act;
 2. dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture. In the event of a catastrophic event in which mass disposal is warranted the Pennsylvania Department of Agriculture can require whatever disposal methods are deemed appropriate to safeguard animal and public health; and,
 3. comply with the above-required nutrient management plan and conservation plan;
- 426.G. Any exhaust or ventilation fans employed shall be oriented and directed such that no direct exhaust velocity is perceptible at any adjoining property lines;

- 426.H. Any driveway or access drive providing for vehicular access to the proposed use shall maintain a fifty (50) foot wide radius for all turns and intersections;
- 426.I. Any on-site manure storage facilities comply with the requirements of Section 457 of this Ordinance;
- 426.J. All buildings used for the housing of livestock shall be fitted with a solid concrete slab or slotted floor;
- 426.K. The property whereupon the concentrated animal feeding operation is located shall be graded such that runoff from the area of the operation is not discharged onto surrounding properties, onto public roads, or into any permanent surface water;
- 426.L. Applicants for any new concentrated animal feeding operation and all expansions to existing such operations must demonstrate compliance with all State and Federal regulations governing the specific operation; and,
- 426.M. The applicant shall establish and maintain a riparian buffer along any watercourse that is located upon the subject property in accordance with Section 511 of this Ordinance.

Section 427 Conservation Design Developments

- 427.A. Within the OSR, R-1, R-2 and R-3 Zones, conservation design developments are permitted by right. Applicants must demonstrate compliance with the following requirements during the applicable subdivision and/or land development process:
- 427.B. Purpose - This use is intended to blend various residential development types amid substantial areas of the Township that are characterized by natural sensitivity and/or public parklands. It is the express purpose that this Section will offer the highest densities and the most flexible design standards available within each respective Zone as enabled in the Act when a proposed development successfully integrates the preservation and protection of natural-cultural features and/or the provision of public accessible common open space. Conservation design developments must employ public utilities and/or within the case of developments within the OSR Zone, community sewage disposal systems.
- 427.C. Delineation of Required Common Open Space – Conservation Design developments are characterized by required common open space as defined herein. In the case of conservation design developments that abut the A Zone and/or properties subject to permanent agricultural easement, applicants may opt to provide for future agricultural use common open space provided that the planning considerations of Section 201.F. of this Ordinance are followed and suitable permanent agricultural preservation easements are recorded in a form acceptable to the Township solicitor. Common open spaces can also be used for public utility facilities provided such facilities are suited, designed and operated in a manner compatible with the permanent protection of the common open space without adverse impact to the environment or the general public. The applicant shall be required to include a note on the record plan for any approved conservation design development that perpetually limits the use of proposed common open spaces for their approved purposes. The following lists the minimum common open space requirements for each Zone in which Conservation Design developments are permitted:

Minimum Required Common Open Space			
OSR Zone	R-1 Zone	R-2 Zone	R-3 Zone
65% of the lot area	50% of the lot area	50% of the lot area	50% of the lot area

427.D. Identification of Required Common Open Space - As part of the site planning process for the Conservation Design development, the applicant shall be required to demonstrate compliance with Article 5 of this Ordinance. Features inventoried during that process shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

1. Mandatory conservation features - The following features **must** be undisturbed and successfully integrated within the Conservation Design development's common open space:
 - floodplains;
 - 500 square feet of area with very steep slopes [greater than twenty-five percent (25%)];
 - wetlands and buffers, streams, ponds, or other waterways;
 - sinkholes, caves, or rock outcroppings;
 - riparian buffers, as regulated by Section 511 of this Ordinance; and,
 - threatened or endangered species habitats as required by the PNDI.
2. Suggested conservation features - The following features **should** be undisturbed and successfully integrated within the Conservation Design development's common open space:
 - steep slopes [greater than fifteen percent (15%)];
 - significant geologic features;
 - scenic vistas;
 - threatened or endangered species habitats, not required by the PNDI;
 - historic and archaeological resources; and,
 - significant stands of mature trees.
3. In addition, the applicant can include a proposed golf course subject to the requirements of Section 443 of this Ordinance, provided such golf course is available for use by the general public or is only devoted for use by the residents of the conservation design development;
4. In addition, the applicant can include proposed parklands within required common open space (which will not be counted towards the required mandatory dedication of parkland and open space as required within the SALDO) if such parkland complies with the following:
 - a. The parkland shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four feet (24') in width;
 - b. The parkland shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practicable, as an expansion of the existing facility;
 - c. The parkland shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three percent (3%). Any unimproved area of the site that will be used as open play area shall be provided with a healthy and vibrant grass ground cover;

- d. The parkland shall be located and designed to conveniently access needed proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility should be permitted in active play areas of the site;
- e. No part of the parkland shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance; and,
- f. The ownership and maintenance of common open space shall be governed by Section 316 of this Ordinance.

427.E. Endowment of Common Open Space and Provision of Desired Trail Features - The Board of Supervisors may grant a density bonus during the land development review of any conservation design development subject to the following conditions. The decision whether to offer a density bonus and the extent of any density bonus shall be at the sole discretion of the Board of Supervisors. Density bonuses may be granted to help defray the costs of:

- 1. an endowment fund with suitable features and protections that ensure the perpetual management and maintenance of common open space that serves residents of the Township located beyond the confines of the proposed conservation design development; and/or,
- 2. the successful integration of an improved trail across the site that links with, and is part of, a larger community trail system identified within the Saucon Region Official Comprehensive Recreation and Open Space Plan, the Comprehensive Plan, the Official Map or as determined to be suitable by the Board of Supervisors.

In order to assist the Board of Supervisors determine the extent to which a density bonus may be granted, the applicant shall be required to submit evidence of the additional costs incurred to accomplish the preceding objectives along with a calculation of the value of any proposed additional dwelling units that are being requested to defray the costs thereof.

427.F. Permanent Protection of Common Open Space - Required common open space shall be subject to permanent conservation easements in a form that is acceptable to the Township Solicitor. Such conservation easement shall limit future development and define the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie solely with the Board. The ownership and maintenance of common open space shall be governed by Section 316 of this Ordinance.

427.G. Required Ratio Housing Types - The following tabulates permitted residential structure types within Conservation Design Developments:

Zone	Minimum Proposed Common Open Space (% of Total Site Area)	Percentage of Dwelling Units Required by Structural Type		
		Single-Family Detached	Duplex	Townhouses or Multiple-Family Dwellings
OSR	65%	100%	Not permitted	Not Permitted
R-1	50%	100%	Not permitted	Not Permitted
R-2	Minimum 50 %	No less than 85%	No more than 15%	Not Permitted
	Minimum 60%	No less than 75%	No more than 25%	Not Permitted
R-3	Minimum 50 %	No less than 50%	No more than 50%	No more than 50%
	Minimum 60%	No restriction	No restriction	No restriction

427.H. Required Streetscape Design Standards - The following table presents minimum required design standards applied to streetscapes:

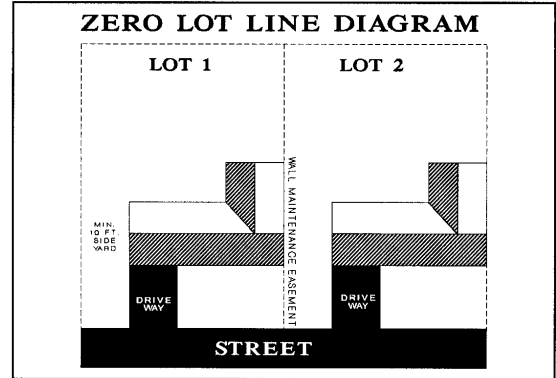
Feature	Required Width
One-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane (when provided)*	10 feet per side
Curbside shade tree planting strip (both sides required)	5 feet per side
Sidewalk (when provided)	6 feet per side
*A minimum twenty feet (20') long landscape or pedestrian island projecting the width of the on-street parking lane shall be provided at a minimum interval of every seven (7) parallel on-street parking spaces before additional on-street parallel parking spaces are provided.	

427.I. Required Design Standards - The following table and its footnotes present applicable design standards applied to the various dwellings/lots:

FIGURE 427.I. CONSERVATION DESIGN DEVELOPMENT DESIGN STANDARDS										
Zone	Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback & Frontage		Maximum Lot Coverage	Minimum Required Yards ⁵			
							Front ⁴	One Side	Both Sides	Rear ⁵
OSR	Single- Family Detached Dwelling	56,400 sq. ft.	35 ft.	200 ft.	150 ft.	30%	50 ft. ¹	20 ft. ³	40 ft.	35 ft.
R-1	Single- Family Detached Dwelling	24,200 sq. ft.	35 ft.	120 ft.	100 ft.	40%	35 ft. ¹	15 ft. ³	30 ft.	35 ft.
R-2	Single- Family Detached Dwelling	12,100 sq. ft.	35 ft.	80 ft.	65 ft.	50%	35 ft. ¹	10 ft. ³	20 ft.	25 ft.
R-2	Duplexes	12,100 sq. ft. per unit	35 ft.	80 ft. / unit	65 ft./ unit	50%	35 ft.	25 ft.	N/A	25 ft.
R-3	Single- Family Detached Dwelling	6,000 sq. ft. ⁶	35 ft.	60 ft.	50 ft.	50%	25 ft. ¹	5 ft. ³	10 ft.	15 ft.
R-3	Duplexes	3,500 sq. ft. per unit ⁶	35 ft.	45 ft. / unit	40 ft./ unit	60%	25 ft.	10 ft.	N/A	15 ft.
R-3	Townhouses ²	1,800 sq. ft. per unit ⁶	35 ft.	18 ft.	18 ft. / unit	75%	25 ft.	15 ft.	(End Units)	20 ft.
R-3	Multiple- Family ³	43,560 sq. ft. ⁶	35 ft.	150 ft.	200 ft.	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹Within a conservation design development, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. Minimum lot width shall be forty-five feet (45') and thirty-five feet (35') at the building setback and the lot frontage, respectively.
- b. One side wall of the structure may be located no less than one inch (1") from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least ten feet (10') wide.
- c. A perpetual six foot (6') wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line, which shall be kept clear of structures and vegetation. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners.
- d. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four inches (24"), but the roof shall be so designed that water runoff from the dwelling place on the lot line is limited to the easement area.
- e. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g., windows, doors, air conditioning units, vents, etc.), unless such openings are located at least eight feet (8') above grade, and have translucent panels.



²No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen feet (15') from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the conservation design development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 3 shall apply.

³In those instances where several multiple-family dwelling buildings and/or townhouse buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty feet (50') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
- c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen feet (15') from any interior access drives or parking facilities contained on commonly-held lands. All multiple-family dwelling buildings shall be set back at least thirty feet (30') from any perimeter boundary of the conservation design development site.

⁴If the property abuts an arterial road, the minimum front yard setback shall be forty feet (40') from the right-of-way line. Except for multiple-family dwellings, the minimum front yard setback for accessory residential garages shall be twenty feet (20').

⁵No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

⁶Within the R-3 Zone, the maximum permitted density for all dwelling unit types shall be six (6) units per acre which shall be calculated upon the area of the total development site less areas devoted to public rights-of-way, public and/or private streets and alleys and those areas identified under Section 427.D. of this Ordinance.

Section 428 Convention and/or Conference Centers

428.A. Within the E Zone, convention centers and/or conference centers are permitted by right, subject to the following criteria:

428.B. Convention and/or conference centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to serve those persons or groups of persons attending the convention and/or conference center, and not the general public:

1. Offices;
2. Hotels and motels;
3. Meeting rooms and auditoriums;
4. Banquet and social halls;
5. Restaurants and taverns (excluding fast-food restaurants);
6. Nightclubs, subject to the requirements of Section 463 of this Ordinance;
7. Indoor theaters and arenas;
8. Sports stadiums;
9. Retail shops and concessionaires;
10. Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, spas, but excluding adult-related uses);
11. Commercial day-care facilities;
12. Information centers and booths; and,
13. Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.

428.C. Minimum Required Lot Area - Ten (10) acres;

428.D. All uses shall be served by both public sewer and public water utilities;

428.E. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road;

428.F. Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Section 314.V. of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Board of Supervisors can require the applicant to revise and/ or provide additional on-site parking space;

428.G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;

428.H. Any outside pedestrian waiting lines shall be provided with a means of shade;

- 428.I. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. All lighting on the site must comply with Section 310 of this Ordinance;
- 428.J. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- 428.K. A traffic impact study meeting the requirements of the SALDO;
- 428.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines. Any noise generated on the site must comply with Section 312 of this Ordinance;
- 428.M. The convention and/or conference center is eligible to utilize planned center signage, as listed in Section 322.D. of this Ordinance; and,
- 428.N. All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

Section 429 Domestic Composts

- 429.A. Within any Zone, one domestic compost is a permitted accessory use to a residence, subject to the following requirements:
- 429.B. The placement of a framed enclosure for composting is subject to all accessory use setbacks;
- 429.C. Only waste materials from the on-site residence shall be deposited within the compost enclosure;
- 429.D. In no case shall meat or meat by-products be composted; and,
- 429.E. All composting enclosures shall be maintained such that they will not create a nuisance to nearby properties.

Section 430 Drive-Thru and/or Fast-Food Restaurants

- 430.A. Within the C Zone, drive-thru and/or fast food restaurants are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 430.B. The subject property shall provide for a suitable means of vehicular access that conveniently connects with an arterial road;
- 430.C. Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 430.D. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location;
- 430.E. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with Section 312 of this Ordinance;

430.F. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence; and,

430.G. No part of the subject property shall be located within two hundred feet (200') of any land within the R-1, R-2, R-3 and AQC Zones.

Section 431 ECHO Housing

431.A. Within the SMC, A, OSR, R-1, R-2 and R-3 Zones, one ECHO housing unit , as defined herein, is permitted by right as an accessory use to one principal dwelling unit subject to the following requirements:

431.B. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;

431.C. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective Zone;

431.D. The elder cottage shall be occupied by:

1. one person who is at least 50 years of age, handicapped and/or a disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or,
2. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;

431.E. The elder cottage shall be occupied by a maximum of two (2) people;

431.F. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used, unless required by the PA DEP. All connections shall meet the applicable utility company standards. If on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;

431.G. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;

431.H. Unless provided within an existing building, the elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;

431.I. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. The applicant shall be required to post a bond with the Township for a value equal to the cost of lawful removal of the use from the property, prior to issuance of a zoning permit for the proposed use; and,

431.J. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage

is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Section 432 Emergency Services

- 432.A. Within the OSR, R-1, R-2, R-3, C, I, and E Zones, emergency services, as defined herein, are permitted by right subject to the following requirements:
- 432.B. A minimum lot size of two (2) acres is required.
- 432.C. A maximum impervious coverage of sixty percent (60%) is permitted.
- 432.D. The buildings and any outdoor storage, off-street loading spaces, waste receptacles and outdoor recreation areas shall be setback at least fifty (50) feet from each lot line. Off-street parking lots shall maintain a minimum twenty (20) foot setback from each lot line, which shall be fitted with landscaping in accordance with Section 321 of this Ordinance. In addition, off-street parking lots, off-street loading spaces, waste receptacles and outdoor storage areas shall be screened from adjoining properties within the OSR, R-1, R-2, R-3 and AQC Zones.
- 432.E. Off-street parking shall be prohibited within the front yard to ensure ease of ingress and egress to and from the station.
- 432.F. Off-street parking requirements for the station shall be based upon the sum of its various features that would be occupied at one time in accordance with the schedule listed in Section 314.V. of this Ordinance.
- 432.G. Any facility located within the E Zone shall be comply with the height requirements listed in Section 231.G.1. of this Ordinance.
- 432.H. No outdoor storage of vehicle parts, equipment, lubricants, fuel, or other materials used or discarded, shall be permitted.

Section 433 Emergency Service Ventures

- 433.A. Within the OSR, R-1, R-2, R-3, C, I, and E Zones, emergency service ventures are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 433.B. The purpose of this Section is to enable local volunteer emergency services that serve areas within the Township to conduct limited fundraising and other activities that assist in their service to the community. These uses can be only conducted as temporary or special events. The types of uses and activities permitted have not been specifically listed so that creativity and innovation can lead to better fundraising potential. However, applicants will be required to demonstrate by credible evidence that the proposed use:
1. Will generate revenues that can financially assist the delivery of emergency service;
 2. Is sized and designed to remain compatible with adjoining properties and the uses permitted thereupon;
 3. Will not adversely affect surrounding properties by reason of noise, vibration, light, litter, and hours of operation;

4. Will not generate traffic that will reduce the functional capacity on adjoining roads and at nearby intersections;
5. Will comply with all applicable standards imposed by this Zoning Ordinance and the SALDO;
6. Will have adequate means of sewage disposal, water supply and stormwater management, and,
7. Will be adequately managed at all times to ensure that the use will minimize its impact on neighboring properties at levels that are consistent with other uses permitted in the area.

Section 434 Family Day-Care Facilities

- 434.A. Within the SMC, A, OSR, R-1, R-2 and R-3 Zones, family day-care facilities are permitted as a permitted accessory use, subject to the following criteria:
- 434.B. Family day-care facilities must be conducted within detached dwellings having a minimum lot size of ten thousand (10,000) square feet;
- 434.C. A family day-care facility shall offer care and supervision to no more than four (4) different non-residents during any calendar day;
- 434.D. All family day-care facilities with enrollment of more than three (3) non-residents shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- 434.E. An outdoor area shall be provided, at a minimum rate of sixty-five (65) square feet per non-resident. Off-street parking lots shall not be used as outdoor areas. Outdoor areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially-zoned properties. The use of outdoor areas shall be limited to the hours between 8:00 a.m. and 8:00 p.m. or civic sunset, whichever occurs sooner. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor areas must provide a means of shade, such as a shade tree(s) or pavilion(s); and,
- 434.F. Passenger “drop-off” and “pick-up” areas shall be provided on-site, and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 435 Farm-Based Education and Entertainment Use

- 435.A. Within any Zone one farm-based education and entertainment uses is permitted by special exception on a property engaged in (and remains in) active, agricultural use and/or production and provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 435.B. The agricultural property on which the use is proposed to be located is a minimum of ten (10) acres in size;
- 435.C. This use includes the following activities and no others: educational sessions and classes, exhibitions, parties and social gatherings (excluding general banquet, restaurant, lodging and conference uses), seasonal public events and other similar events, all of which have as their

primary focus the agricultural operations actually being conducted on the property;

- 435.D. This use may include, on a limited basis only, the retail sale of products, 50% of which were grown, harvested or otherwise produced on the property;
- 435.E. This use shall be low impact in nature, and the applicant shall demonstrate that the proposal will not have an adverse effect or impact on the character of the neighborhood, does not produce an unreasonable quantity or quality of fumes, dust, odors, noise, light or traffic, that there exist adequate sewage facilities on the property, that any permanent improvements or structures placed on the property in connection with the proposed use shall be the minimum necessary and that the activities to be undertaken will not have an adverse impact on the soils and the viability of actual or potential farm or agricultural operations conducted on the property;
- 435.F. With respect to parking, the Zoning Hearing Board may consider, but shall not be required to apply, the parking provisions contained in Section 314 of this Ordinance, as amended; however the applicant shall demonstrate that adequate, off-street parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which may occur simultaneously on the property, and to this end, the applicant shall submit for review and approval a parking plan;
- 435.G. With respect to traffic control, the applicant shall demonstrate that there will exist appropriate traffic control measures, that there will be ingress and egress to the property and the parking facilities designed to avoid undue congestion on adjoining roads, and that the ingress, egress and parking facilities will be designed and located so as to avoid adverse environmental impacts, including but not limited to the creation of dust, erosion and mud;
- 435.H. Nothing contained herein shall preclude the occurrence of more than one event on a simultaneous basis, provided that the applicant demonstrates an ability to comply with the requirements for this use for each activity anticipated to occur simultaneously;
- 435.I. No activity occurring hereunder shall be conducted from or utilize a temporary structure unless such structure is removed and stored out of public view within 72 hours of the completion of the event at which it is used;
- 435.J. All outdoor activities occurring hereunder shall be set back 100 feet from side and rear property lines and 50 feet from front property lines, and all indoor activities shall observe the setbacks in place for the Zone(s) in which the use is to be conducted;
- 435.K. Any approval shall be subject to reasonable conditions, if any, imposed by the Zoning Hearing Board; and,
- 435.L. If the property is ever reduced in size below the ten (10) acre minimum, the special exception granted by the Zoning Hearing Board hereunder shall immediately and automatically expire.

Section 436 Farm Occupations

- 436.A. Within the A and R-1 Zones, farm occupations, as defined herein, if conducted as an accessory use to a principal agricultural use of the property are permitted by right subject to the following requirements:
- 436.B. Residents and up to two (2) nonresidents may be employed by the farm occupation;

- 436.C. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred feet (100') from any adjoining roads or properties;
- 436.D. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- 436.E. No part of a farm occupation shall be located within one hundred feet (100') of any side or rear lot line, nor three hundred feet (300') of any adjoining land within an R-1, R-2, R-3 and AQC Zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- 436.F. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- 436.G. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- 436.H. Any sign used for a farm occupation shall not exceed ten (10) square feet in size;
- 436.I. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no non-farm subdivision of the site shall be permitted; and,
- 436.J. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Lehigh County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the farm occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the farm occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.
- 436.K. The applicant shall submit the following signed and notarized statement:

"I understand that this use has prescribed limitations that are imposed to protect the rural character of the Township. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning."

Section 437 Farmers and/or Flea Markets

- 437.A. Within the C Zone, farmers and/or flea markets are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 437.B. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above;

- 437.C. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- 437.D. Off-street parking shall be provided at the rate of one space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Section 314 of this Ordinance. No required off-street parking spaces shall be used for the display and/or storage of items for sale;
- 437.E. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in Section 313.M. of this Ordinance. The retail sales area, as described above, shall be used to calculate needed loading space(s);
- 437.F. All outdoor display and sale of merchandise shall cease no less than one hour prior to civil sunset;
- 437.G. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties and the applicant shall demonstrate compliance with Section 312 of this Ordinance; and,
- 437.H. Trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the clean-up of litter.

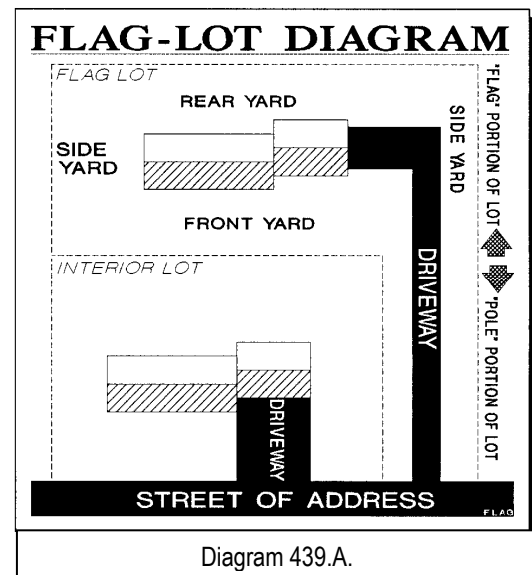
Section 438 Fish Hatcheries and/or Fish Farms

- 438.A. Within the A Zone, fish hatcheries and/or fish farms are permitted by right, subject to the following criteria:
- 438.B. The applicant must furnish evidence of receipt of an approved artificial propagation license from the PA Department of Agriculture, Bureau of Animal Health.

Section 439 Flag Lots & Joint Use Driveways

- 439.A. Flag Lots - Within the A, OSR and SMC Zones, the use of flag lots is permitted by right only when it will enable the preservation of some important natural or cultural feature (including but not limited to productive farmland) which would otherwise be disturbed by conventional lotting techniques;

- For the purposes of this Section, a flag-lot shall be described as containing two parts: (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining street;
- Requirements for the Flag:



a. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

b. For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, **plus** the area on the opposite side of the principal structure. (See the Flag-Lot Diagram for a graphic depiction of the yard locations.)

3. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction;

4. Requirements for the Pole:

a. The pole shall maintain a minimum width of twenty-five (25) feet.

b. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

c. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

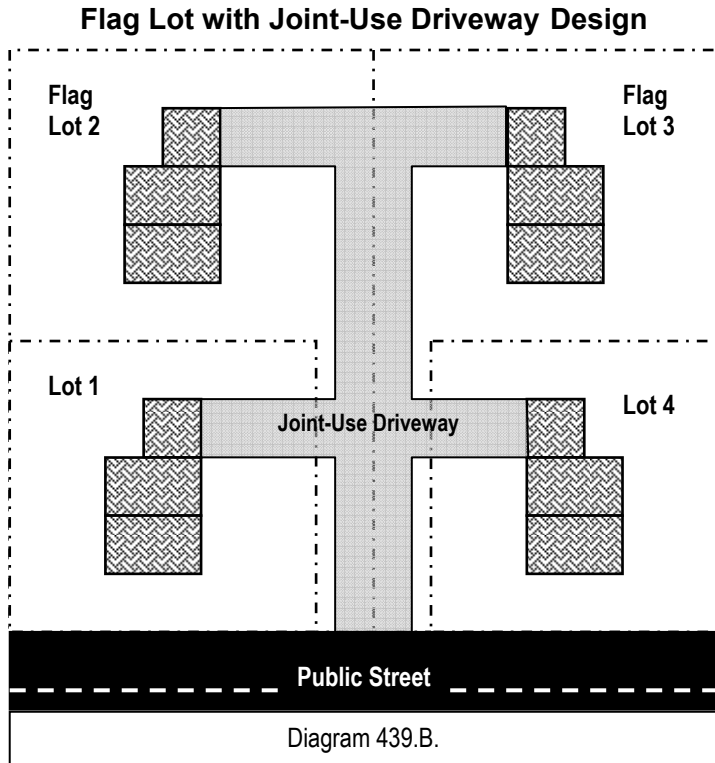
d. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.

e. No pole shall be located within one hundred twenty (120) feet of another on the same side of the street, unless adjoining poles share a joint-use driveway, regulated as follows:

439.B. Joint Use Driveways

1. When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access. Such joint use driveways shall comply with those requirements listed in Section 304 unless superseded as follows:

2. A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four total lots.
3. All joint-use driveways shall have a minimum easement width of twenty-four (24) feet and a minimum cartway width of sixteen (16) feet which shall be maintained with a dust-free surface.
4. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan. (See Appendix 1).



Section 440 Freestanding Communication Antennas, Towers and Equipment

440.A. Within the SMC, A and I Zones, freestanding communication antennas, towers and equipment that are not co-located are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

440.B. Prerequisite Co-location Analysis

1. Approval of a new freestanding communication antenna, tower and equipment will only be permitted after qualified expert demonstration by the applicant that no other opportunity exists within a two (2) mile radius of the proposed site to co-locate such antenna onto any of the following:
 - a. utility transmission towers;
 - b. observation towers;
 - c. communication towers;
 - d. silos;
 - e. steeples;
 - f. smokestacks;
 - g. water towers;
 - h. flagpoles; and,
 - i. other similar structures.

2. In order to demonstrate compliance with this Section, the applicant must prepare and submit an inventory map of all such co-location opportunities within a two (2) mile radius of the proposed site and list the specific reason why each co-location site is not possible, for one or more of the following reasons:
 - a. Written refusal by current tower owner to accommodate proposed antenna;
 - b. Topographic limitations that prevent adequate transmission coverage;
 - c. Adjacent impediments blocking adequate transmission coverage;
 - d. Technical limitations of the system that prevent adequate transmission coverage;
 - e. Proposed antenna exceeds structural capacity of structure or tower;
 - f. Inadequate space on structure or tower;
 - g. Reserved space on existing structure or tower for other antennas; and/or,
 - h. Other specifically described limiting factors rendering existing structure or tower unusable.
- 440.C. Siting Requirements - The applicant shall demonstrate, using technical evidence, that the proposed location is necessary for the efficient operation of the system. All other uses associated with the communication antenna or tower, such as a business office, maintenance depot, business sign, or vehicle storage, shall not be located on the site, unless the use is otherwise permitted in the Zone in which the site is located;
- 440.D. Future Co-location Requirements - In order to reduce the number of towers needed in the Township in the future, any proposed new tower or other support structure shall be designed to accommodate other co-located antennas, including, but not limited to, police, fire and emergency services;
- 440.E. Required Antenna Towers - Except as provided below, a monopole antenna tower shall be required when new towers are proposed, unless the applicant can conclusively demonstrate that:
1. The cost of erecting a monopole would preclude the provision of adequate service to the public;
 2. The use of a monopole would produce an unsafe antenna support structure at the proposed location;
 3. The proposed alternative antenna structure would have the least adverse visual impact on the environment and surroundings; and/or,
 4. The proposed alternative antenna support structure is more architecturally compatible with surrounding uses and blends in better with the existing characteristics of the site and its surroundings.
- 440.F. Permitted Height - The applicant shall submit expert testimony that the communication antenna or tower is the minimum height required to function satisfactorily. In no case shall an antenna or tower exceed one hundred ninety-nine feet (199') in height;
- 440.G. Required Setbacks - Any communication antenna or tower shall be set back from each property line a distance equal to its height, plus fifty feet (50'). This setback shall also be applicable to guy wire anchors for the communication antenna or tower. No antenna or tower shall be located within five hundred horizontal feet (500') of:
1. Any land within the OSR, R-1, R-2, R-3 and AQC Zones;
 2. The nearest property line of any existing residence;
 3. The nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed; and,
 4. The nearest property line of any lot proposed for residential purposes that has been submitted for preliminary or final subdivision approval.

- 440.H. Required Finishes and Lighting - Communication antennas or towers shall be painted with silver or gray paint, or have a galvanized finish in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees, to lessen visual impact. No communication antenna or tower may be artificially lighted, except when required by the Federal Aviation Administration, State regulations or by Township requirements;
- 440.I. Anti-climbing Requirements - All communication antennas or towers shall be fitted with anti-climbing devices, as approved by the manufacturers;
- 440.J. Compliance With Communication Requirements - The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use and that it will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/ EEEEC95-1-1992) with respect to radio frequency emissions;
- 440.K. Compliance With Aviation Requirements - The applicant shall demonstrate that the proposed use will comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Zoning Regulations;
- 440.L. Required Historic Site Findings - In accordance with Section 106 of the National Historic Preservation Act as an undertaking requiring a Federal permit, license or approval, the applicant shall be required to obtain a Letter of Determination from the State Historic Preservation Office of the Pennsylvania Historical and Museum Commission, determining that the proposed use will not adversely affect any historic resources;
- 440.M. Required Construction Certification - The applicant shall furnish a sealed statement from a registered engineer that the support methods employed will prevent the collapse, toppling or falling of the communication antenna or tower, or portion thereof, and will prevent the windborne scattering of ice onto adjoining properties and/or roads;
- 440.N. Required Fencing and Signage - All communication antennas or towers and guy wire anchors shall be completely enclosed by a minimum eight foot (8") high non-climbable fence. All ground-mounted satellite dishes that are used to transmit video format data shall also require prominent posting on the fence of signage warning of dangerous radiation levels. Any gates within the fence shall be self-closing and shall be locked when the site is unattended;
- 440.O. Required Parking - If a tower site is fully automated, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift, but in any event, may not be less than two (2) off-street parking spaces;
- 440.P. Required Landscaping - The applicant shall be required to provide landscaped screening, as defined herein, around the ground-level features of the proposed use (e.g., tower base, fence, parking and loading, related buildings, guy wire anchors, etc.). In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible;
- 440.Q. Required Removal Plan - The applicant shall submit a plan for the removal of the communication antenna when it becomes functionally obsolete or is no longer in use. The applicant shall be responsible for the removal of the antenna within three (3) months from the date it ceases operation or the antenna becomes obsolete; and,
- 440.R. Required As-Built Plan - The applicant shall be required to submit an "as-built" site plan, prepared by either a registered surveyor or a professional engineer, depicting elevations, the communication antenna or tower, buildings, fences, screening, access, and any accessory structures.

Section 441 Funeral Homes

- 441.A. Within the C Zone, funeral homes are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 441.B. Sufficient off-street parking shall be provided and designed to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups;
- 441.C. All parking areas shall be setback at least ten feet (10') from adjoining lot lines, and no joint off-street parking areas shall be permitted; and,
- 441.D. No direct vehicular access shall be permitted onto an arterial road from the site.

Section 442 Garage / Yard / Moving Sales

- 442.A. Within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones, and upon properties with principal residential dwelling units, garage yard and/or moving sales are an accessory permitted use, subject to the following standards:
- 442.B. Such sales may only be conducted by an owner or occupant of a lot;
- 442.C. No more than three (3) total sales may be conducted during any calendar year;
- 442.D. No garage/yard/moving sale shall be conducted for a period longer than two (2) consecutive days.
- 442.E. Such sales may offer personal possessions for sale; no import or stocking of inventory shall be permitted.
- 442.F. Only one (1) sign, not to exceed four (4) square feet in area, shall be permitted to advertise the garage/yard sale. Said sign shall be located on the lot where the sale occurs and shall be removed within six (6) hours of the completion of the sale;
- 442.G. In no case shall any aspect of the garage/yard sale be conducted in the street right of way.
- 442.H. The conduct of a garage/yard/moving sale beyond the extent described herein represents a commercial business and shall require appropriate zoning authorization.

Section 443 Golf Courses and Driving Ranges

- 443.A. Within the OSR, R-1, R-2, R-3, AQC and E Zones, golf courses and driving ranges are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows: Golf courses must comply with all of the following criteria, while freestanding driving ranges must comply with Sections 443.B., 443.C., 443.F., and 443.J:
- 443.B. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway;

443.C. Golf Paths - Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition.

1. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform to the following:
 - a. Each crossing shall be perpendicular to the traffic movements;
 - b. Only one (1) street, access drive or driveway may be crossed at each location;
 - c. No crossing is permitted between a point fifteen feet (15') and one hundred fifty feet (150') from the cartway edge of a street, access drive or driveway intersection;
 - d. The crossing must be provided with a clear sight triangle of seventy-five feet (75'), measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five feet (5') from the edge of the roadway. No permanent obstruction over thirty inches (30") high shall be placed within this area;
 - e. Sight Distance - Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The required sight distance shall be governed by Section 301.J. of this Ordinance;
 - f. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five feet (25') of the cartway crossing;
 - g. Golf path crossings shall be signed, warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes; and,
 - h. Golf path crossings of collector or arterial streets shall consist of a tunnel or bridge that is not located at street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

443.D. All golf course buildings shall be set back seventy-five feet (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;

443.E. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

1. Clubhouse, which may consist of:
 - a. Restaurant, snack bar, lounge, and banquet facilities;
 - b. Locker and rest rooms;
 - c. Pro shop;
 - d. Administrative offices;
 - e. Golf cart and maintenance equipment storage and service facilities;
 - f. Guest lodging for those using the golf course, provided:
 - no lodging units have separate exterior means of ingress/egress;
 - all lodging units shall be contained within the main clubhouse; and,
 - such guest lodging shall have a total occupancy of no more than twenty (20) persons;

- g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - h. Game rooms, including card tables, billiards, ping-pong, and other similar table games; and,
 - i. Baby-sitting rooms and connected fence-enclosed playlots.
2. Accessory recreation amenities located outside of a building, including:
- a. Driving range, provided that no lighting is utilized;
 - b. Practice putting greens;
 - c. Swimming pools;
 - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - f. Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - g. Hiking, biking, horseback riding, and cross-country ski trails; and,
 - h. Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
3. Freestanding maintenance equipment and supply buildings and storage yards.
- 443.F. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and screened from adjoining residential structures and roads;
- 443.G. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the municipal system will supply the water needed.
- 443.H. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. A water feasibility study shall include the following information:
- 1. calculations of the projected water needs;
 - 2. a geologic map of the area with a radius of at least one mile from the site;
 - 3. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 - 4. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 - 5. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - 6. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - 7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
 - 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- 443.I. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

443.J. The applicant shall demonstrate that proposed lighting will comply with Section 310 of this Ordinance.

Section 444 Health, Fitness, Social, Fraternal and Other Private Clubs

- 444.A. Within the C, I and E Zone, health, fitness, social, fraternal and other private clubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone health, fitness, social, fraternal and other private clubs are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 444.B. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- 444.C. Off-street parking shall be provided, as required by the combination of elements comprising the use, including accessory uses in accordance with Section 314.V. of this Ordinance;
- 444.D. All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines;
- 444.E. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building;
- 444.F. All lighting of outdoor recreation areas shall be designed and arranged to comply with Section 310 of this Ordinance;
- 444.G. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 312 of this Ordinance.
- 444.H. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and,
- 444.I. This use shall expressly exclude adult uses, casinos, nightclubs, off-track betting parlors and outdoor shooting ranges.

Section 445 Heavy Equipment and/or Commercial Truck Sales, Service and/or Repair Facilities

- 445.A. Within the I Zone, heavy equipment and/or commercial truck sales, service and/or repair service facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 445.B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- 445.C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- 445.D. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted. All exterior storage and/or display areas

shall be screened from adjoining properties within the R-1, R-2, R-3 and AQC Zones. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines, and shall be covered in an all-weather, dust-free surface;

- 445.E. The demolition or junking of vehicles, boats, machinery, trucks, trailers, mobile homes, and heavy equipment vehicles, and/or parts thereof, on the property is prohibited;
- 445.F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within the R-1, R-2, R-3 and AQC Zones;
- 445.G. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building; and,
- 445.H. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 446 Heavy Industrial Uses

- 446.A. Within the I Zone, heavy industrial uses, as defined herein, are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 446.B. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition 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;
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 - 3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Sections 310, 312, and 317 of this Ordinance; and,
 - 4. A traffic impact study meeting the requirements of the SALDO.

Section 447 Heliports

- 447.A. Within the E Zone, heliports as an accessory use are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 447.B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;

- 447.C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- 447.D. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighboring” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock;
- 447.E. No part of the take-off/landing pad shall be located nearer than three hundred feet (300') from any property line; and,
- 447.F. The heliport may include auxiliary facilities, such as fueling and maintenance equipment subject to compliance with Section 515 of this Ordinance.

Section 448 Historic Structure Conversions

- 448.A. Within the SMC, A, OSR, R-1, R-2, R-3, AQC, C, I, and E Zones, historic structure conversions are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905 and within the VC Overlay Zone historic structure conversions are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 448.B. The proposed use will enable the preservation, restoration or rehabilitation of the historic structure, as defined herein. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures. The applicant shall be required to participate in a meeting with the PHMC according to Section 519.C.2. of this Ordinance and present the PHMC's written findings as part of the conditional use application for this use;
- 448.C. The proposed use is compatible with the surrounding area. In determining compatibility, the likely impacts of the proposed use including but not limited to traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation and the number of proposed employees shall be considered along with any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances;
- 448.D. The proposed use is consistent with the purpose of the underlying Zone and it satisfies all applicable requirements of the underlying Zone and any specific criteria attached to the proposed use as listed within this Article 4 of the Zoning Ordinance. Uses shall be denied that are incompatible with the Zone and the neighborhood in which the subject property is located. As required, land development approvals must be obtained;
- 448.E. All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and properties within the R-1, R-2, R-3 and AQC Zones; and,
- 448.F. Notwithstanding other regulations contained elsewhere within this Ordinance no more than one (1) sign shall be permitted containing up to a maximum twelve (12) square feet and is located at least ten (10) feet from each lot line.

Section 449 Home Improvement and Building Supply Stores

- 449.A. Within the C Zone, home improvement and building supply stores are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 449.B. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- 449.C. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;
- 449.D. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;
- 449.E. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- 449.F. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6') high fence;
- 449.G. The applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Section 312 of this Ordinance;
- 449.H. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Section 310 of this Ordinance;
- 449.I. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;
- 449.J. The applicant shall submit a traffic impact study meeting the requirements of the SALDO; and,
- 449.K. The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.

Section 450 Home Occupations

- 450.A. Within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones, home occupations, as defined herein, if conducted as an accessory use to a principal residence, are permitted by right subject to the following requirements:
- 450.B. Up to two (2) nonresident employees shall be permitted;
- 450.C. No more than one (1) home occupation may be located in any dwelling unit;
- 450.D. The home occupation shall not alter the appearance of the building as a dwelling unit;
- 450.E. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
- 450.F. No sales of any goods or merchandise shall occur on the premises that would require customer visitation to the site, other than those goods or merchandise which are produced on the premises;

- 450.G. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or tailor;
- 450.H. No goods shall be displayed so as to be visible from the exterior of the premises;
- 450.I. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit;
- 450.J. No accessory building or structure shall be utilized as a home occupation, except that an accessory building or structure may be used as storage area for the home occupation, provided that said area shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes;
- 450.K. In addition to the required parking spaces for the dwelling unit, one (1) parking space for each nonresident employee and patron on site at one time shall be provided;
- 450.L. Only one sign advertising a home occupation shall be permitted. Such sign shall not be illuminated and shall be limited to twelve (12) square feet in display area, including all sides of the sign;
- 450.M. The applicant shall submit evidence of all applicable State approvals; and,
- 450.N. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Lehigh County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the home occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the home occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 451 Hospitals with Related Uses

- 451.A. Within the I & E Zones, hospitals with related uses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 451.B. Minimum Lot Area - Five (5) acres;
- 451.C. The subject property shall have frontage along an arterial or collector road;
- 451.D. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency vehicles and equipment;
- 451.E. Emergency entrances shall be located on a building wall which faces away from adjoining residential properties or properties within the R-1, R-2, R-3 and AQC Zones, or separated by at least three hundred feet (300') from properties within the R-1, R-2, R-3 and AQC Zones;
- 451.F. The applicant shall submit a traffic impact study meeting the requirements of the SALDO;

- 451.G. The applicant is required to submit written information indicating that adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste;
- 451.H. Where more than one (1) of the uses enumerated in 451.I. below are proposed, either at one time or separately over time, integrated site function and design shall be required, consistent with the creation of a campus-like environment;
- 451.I. The following uses are expressly permitted provided they are designed, located and operated in a manner that supports the overall hospital use and campus:
1. Commercial day-care facilities;
 2. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs;
 3. Health and fitness clubs;
 4. Hospitals and hospices;
 5. Intermediate care and skilled nursing facilities;
 6. Medical and dental offices;
 7. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient-care facilities;
 8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - a. Administrative offices;
 - b. Automobile parking lots and parking garages;
 - c. Housing for students, employees and their families in accordance with the standards of the R-3 Zone;
 - d. Helistop (see Section 451.J.1.);
 - e. Incinerators and autoclaves (see Section 451.J.2.);
 - f. Lodging facilities for patients and their families;
 - g. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, laundry service, ventilation facility, and oxygen facility);
 - h. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/ service for the convenience of employees, patients and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings; and,
 - i. Short-term, intermittent educational programs which are not intended to prepare students for careers in health care, but, rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues;

451.J. Specific Requirements for Selected Accessory Uses:

1. Helistops - The helistop shall only be used for the emergency transport by helicopter of patients to or from other permitted health care-related uses. The helistop may include auxiliary facilities, such as fueling and maintenance equipment subject to compliance with Section 515 of this Ordinance. The helistop shall be set back a minimum of three hundred feet (300') from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards; and,
2. Incinerators and Autoclaves - Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.

Section 452 Integrated Family Dwelling Units

- 452.A. Within the SMC, A, OSR, R-1, R-2, and R-3 Zones Integrated family dwelling units, as defined herein, are permitted by right subject to the following requirements:
- 452.B. Only one integrated family dwelling unit shall be permitted per detached dwelling and such integrated family dwelling unit shall have direct interior connection with the principal dwelling unit;
- 452.C. The total building coverage for the principal dwelling, any existing accessory structures and the integrated family dwelling units together shall not exceed the maximum lot coverage requirement for the respective Zone;
- 452.D. The integrated family dwelling units shall be occupied by a maximum of two people and shall include:
- a. one person who is at least 50 years of age, handicapped and/or a disabled person who is related by blood, marriage or adoption to the occupants of the principal dwelling; or,
 - b. the caregiver who is related by blood, marriage or adoption to the elderly, handicapped or disabled occupant(s) of the principal dwelling;
- 452.E. There shall be no separate cooking facilities within the integrated family dwelling unit and no fuel or energy services or the installation of major cooking appliances (e.g. range, stove or oven);
- 452.F. For on-site sewage disposal and on-site water supply and all other utilities, the integrated family dwelling units shall be physically connected to those systems serving the principal dwelling; no separate utility systems or connections shall be constructed or used. If on-site sewer or water systems are to be used, the applicant shall submit evidence that the total number of occupants in both the principal dwelling and the integrated family dwelling units will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer. For public sewage disposal and public water supply, the unit shall be required to pay all applicable usage fees as a separate dwelling unit. All connections shall meet the applicable utility company standards;

- 452.G. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the integrated family dwelling units, in addition to that required for the principal dwelling;
- 452.H. The applicant shall submit a certified “as-built” plan of the integrated family dwelling unit. No changes to the layout and use of the integrated family dwelling unit shall be permitted without prior Township approval of a building and zoning permit.
- 452.I. The integrated family dwelling unit use shall cease after it is no longer occupied by a person who qualifies for the use;
- 452.J. Upon the proper installation of the integrated family dwelling units, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the integrated family dwelling units is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit; and,
- 452.K. A deed shall be recorded in a form acceptable to the Township Solicitor for the subject property containing the restrictions set forth in this Section.

Section 453 Junkyards

- 453.A. Within the I Zone, junkyards are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 453.B. Minimum Lot Area - Ten (10) acres;
- 453.C. The outdoor area devoted to the storage of junk shall be completely enclosed by a minimum eight foot (8') high, sight-tight fence or wall which shall be set back at least fifty feet (50') from all property lines;
- 453.D. The setback area between the fence and the lot lines shall be kept free of junk storage, weeds and all scrub growth and shall be devoted to landscaping and/or screening in accordance with Section 321 of this Ordinance;
- 453.E. All buildings used to store junk shall be completely enclosed and set back at least fifty feet (50') from all property lines;
- 453.F. No material may be stored or stacked exceeding a height of eight (8) feet or so that it is visible from adjoining properties and roads;
- 453.G. All additional Federal and State laws shall be satisfied;
- 453.H. All junk shall be stored or arranged so as to permit access by firefighting equipment with vehicle access lanes of no less than twelve feet (12') in width spaced no more than five hundred feet (500') apart at the greatest separation distance. Such access lanes shall be kept free from obstruction at all times;
- 453.I. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall prevent the accumulation of stagnant water upon the premises and no inflammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of, another item, at any time.

- 453.J. No material shall be burned at any time;
- 453.K. Junkyards shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, mosquitoes or other vectors;
- 453.L. No junk shall be located on land with a slope in excess of five percent (5%);
- 453.M. No Junk yard shall be located within two hundred feet (200') of any land within the R-1, R-2, R-3 and AQC Zone; and,
- 453.N. Upon approval of a conditional use for a junk yard, the Zoning Officer shall issue a temporary zoning permit. Such temporary zoning permit shall be reviewed every twelve (12) months until such time as the junk yard ceases to exist. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the temporary zoning permit.

Section 454 Kennels

- 454.A. Within the SMC and/or A Zones, kennels are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 454.B. The following lists minimum required lot sizes and required setbacks based upon the number of animals kept:

Type and Number of Animals Kept	Minimum Required Lot Area	Minimum Required Setback of Unenclosed Animal Boarding Buildings, Pens, Stalls, Runways, and Running Areas from the Nearest Property Line
1 dog to 50 dogs	5 acres	150 feet
1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
1 dog to 50 dogs, plus 1 to a maximum of 200 animals, other than dogs	5 acres	150 feet
More than 50 dogs	10 acres	300 feet
More than 51 dogs, plus more than 200 animals, other than dogs	10 acres	300 feet

- 454.C. The applicant shall explain those measures that will ensure that the proposed use will comply with the noise regulations listed in Section 312 of this Ordinance;
- 454.D. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death;
- 454.E. The applicant must demonstrate evidence of compliance with the PA Dog Law;
- 454.F. The applicant must explain measures to be used to ensure that all animal wastes shall be regularly cleaned up and properly disposed of to prevent odors and unsanitary conditions and,

- 454.G. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

455 Man-Made Lakes, Dams, Ponds, and Impoundments

- 455.A. Within any Zone, man-made lakes, dams, ponds, and impoundments are permitted as accessory uses by right, subject to the following:
- 455.B. All lakes, dams, ponds, and impoundments located along, and connected to, a stream that involve any of the following, shall require a permit from the PA DEP, Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:
1. The lake, dam, pond, or impoundment contains a volume of at least fifty (50) acre feet;
 2. The dam reaches a height of fifteen feet (15'); and,
 3. The lake, dam, pond, or impoundment impounds the water from a watershed of at least one hundred (100) acres.
 4. Those uses that do not exceed the preceding thresholds are subject to the requirements listed in Section 466 of this Ordinance.
- 455.C. All such lakes, dams, ponds, and impoundments shall be located seventy-five feet (75') from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation;
- 455.D. All lakes, dams, ponds, and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty feet (50') of a stream shall require the obtainment of a permit from the PA DEP Bureau of Dams and Waterways Division of Waterways and Storm Water Management;
- 455.E. All other lakes, dams, ponds, and impoundments require the submission of a statement and seal by a qualified engineer that the proposed use is properly constructed and will not pose a threat to the public safety nor the environment during normal flow conditions and those associated with the base flood. All dams shall be constructed to a height of one and one-half feet (1.5') above the water surface elevation occurring during the base flood;
- 455.F. All lakes, dams, ponds, and impoundments, including storm water management basins, shall be located a minimum of fifty feet (50') from any subsurface sewage disposal system or well;
- 455.G. Fencing - All ponds constructed within areas subject to livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters; and,
- 455.H. Maintenance - All ponds shall be regularly maintained, and floating debris shall be removed from all pipes and spillways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway;

Section 456 Manufactured Home Parks

- 456.A. Within the R-3 Zone, manufactured home parks are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

- 456.B. The minimum parcel size for any manufactured home park development shall be five (5) acres;
- 456.C. The maximum number of manufactured home units shall be limited to seven (7) per acre;
- 456.D. Each single manufactured home lot shall contain no less than (4,200) square feet, and be at least forty feet (40') wide;
- 456.E. No manufactured home lot shall be within twenty-five feet (25') of a park boundary, or within fifty feet (50') of an outside street right-of-way. This area shall constitute the manufactured home park boundary area;
- 456.F. No manufactured home park office or service building shall be located within thirty feet (30') of a park boundary or an outside street right-of-way; nor within thirty feet (30') of the right-of-way of an interior park street, or the paved edge of a common parking area or common walkway;
- 456.G. Each manufactured home shall have a minimum front yard of twenty feet (20'), rear yard of fifteen feet (15'), and two sides of ten feet (10') each. In no case shall the distance between any two manufactured homes be less than twenty feet (20');
- 456.H. A paved on-site walkway of a minimum width of four feet (4') shall be provided to each manufactured home unit from an adjacent street;
- 456.I. Streets, curbs and sidewalks shall be constructed in accordance with the SALDO;
- 456.J. All roads in the park shall be private access drives, and shall be paved with a bituminous or concrete surface at least twenty-two feet (22') wide;
- 456.K. Each manufactured home lot shall abut on a park access drive with access to such access drive. Access to all manufactured home lots shall not be from public streets or highways;
- 456.L. Each manufactured home space shall contain no more than one (1) manufactured home, nor more than one (1) family;
- 456.M. No less than ten percent (10%) of the total manufactured home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required manufactured home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area;
- 456.N. Each manufactured home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to public sewer, public water and electrical supply;
- 456.O. Protective skirting shall be placed around the area between the stand surface and the floor level of each manufactured home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions;
- 456.P. No recreation vehicle, travel or vacation trailer or other form of temporary living unit shall be placed upon any manufactured home stand or used as a dwelling within the manufactured home park;
- 456.Q. Service and Accessory Buildings:
1. Construction - All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall conform to the requirements of any applicable building code, and such shall be maintained so as to prevent deterioration

caused by decay, corrosion, termites, or other destructive elements. Attachments to manufactured homes in the form of sheds and lean-toos are prohibited;

2. Manufactured home Park Office - Every manufactured home park shall have an office on-site for the manufactured home park manager. Every manufactured home park containing fifteen (15) or more manufactured home spaces shall have a structure designed and clearly identified for such office;
 3. Storage Space - Occupants of each manufactured home unit shall be provided with a minimum of one hundred fifty (150) cubic feet of storage space in an individual storage building placed to the rear of each manufactured home; and,
 4. Use - Service and accessory buildings located in a manufactured home park shall be used only by the occupants of the same and their guests;
- 456.R. Each manufactured home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the manufactured home space. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred feet (300') walking distance to those units served;
- 456.S. Each manufactured home shall be placed on a six inch (6") thick poured concrete pad over a six inch (6") stone base, the length and width of which shall be at least equal to the length and width of the manufactured home it is to support. Every manufactured home shall be anchored to the manufactured home pad where it is located, prior to the unit being occupied, and no more than seven (7) days from the arrival of the manufactured home. The anchoring system shall be designed by a registered professional engineer to prevent tilting of the unit, and resist a minimum wind velocity of ninety (90) miles per hour; and,
- 456.T. All manufactured home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use application.

Section 457 Manure Storage Facilities

- 457.A. Within the A Zone manure storage facilities that are accessory to an agricultural or horticultural use are permitted by right subject to the following requirements:
- 457.B. The applicant shall submit written evidence from a professional engineer licensed to practice within the Commonwealth of Pennsylvania, that the design and construction of the manure storage facility shall be in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection;
- 457.C. All manure storage facilities associated with a concentrated animal operation or a concentrated animal feeding operation (both as defined herein) shall require written evidence of an approval of the applicant's nutrient management plan from the Lehigh County Conservation District or the Pennsylvania Conservation Commission under Title 25, Chapter 83, Subchapter D. of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations;
- 457.D. All manure storage facilities shall be operated and maintained in accordance with the Pennsylvania Department of Environmental Protection's publication *Manure Management Manual for Environmental Protection*, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection; and,

- 457.E. Any design changes during construction or subsequent operation will require the obtainment of another zoning permit subject to the applicable regulations of this Section.

Section 458 Mass Transit and/or Taxicab Terminals

- 458.A. Within the I Zone, mass transit and/or taxicab terminals are permitted by right, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to the following and within the E Zone, mass transit and/or taxicab terminals are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 458.B. The applicant shall submit a traffic impact study meeting the requirements of the SALDO;
- 458.C. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized," off-street, parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 458.D. The subject property shall have a minimum of two hundred feet (200') of contiguous road frontage along an arterial road;
- 458.E. The subject property shall be located no closer than two hundred feet (200') from any R-1, R-2, R-3 and AQC Zones and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 458.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line;
- 458.G. Access driveways shall be a minimum of twenty-four feet (24'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 458.H. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- 458.I. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- 458.J. The outdoor storage of unlicensed and un-inspected vehicles is prohibited;
- 458.K. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards;
- 458.L. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within thirty (30) days after arrival;

- 458.M. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the standards of Section 312 of this Ordinance; and,
- 458.N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 459 Medical Residential Campuses

- 459.A. Within the R-2 and R-3 Zones, medical residential campuses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 459.B. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus;
- 459.C. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques;
- 459.D. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers;
- 459.E. Commercial, medical and recreational uses shall be grouped together and located near the populations being served;
- 459.F. The minimum land area devoted to the campus shall be twenty-five (25) contiguous acres;
- 459.G. The site shall front on and have access to a collector or arterial road;
- 459.H. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five feet (75') from all adjoining land within the R-1, R-2, R-3 and AQC Zones, and fifty feet (50') from all lot lines of the campus property;
- 459.I. The maximum permitted overall density is ten (10) dwelling units per acre. For purposes of this Section, any two (2) care beds associated with a medical use shall constitute one (1) dwelling unit. No more than fifty percent (50%) of the total number of permitted dwelling units shall consist of care beds. For the purposes of this Section, "care beds" shall be defined as any bed where a resident of the medical residential campus may sleep that is not part of a dwelling unit upon which the maximum permitted density is computed. Examples of care beds would include, but not be limited to those associated with medical and/or nursing care, or those associated with congregate or communal living quarters;
- 459.J. All buildings or structures used solely for residential purposes shall be set back at least fifty feet (50') from all lot lines of the campus property;
- 459.K. The maximum permitted height is sixty feet (60'), provided that for buildings exceeding thirty-five (35) feet in height, the minimum setback from each lot line is equal to the height of the structure;
- 459.L. No more than sixty percent (60%) of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces;
- 459.M. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped. Furthermore, such parking spaces shall be located

throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required;

459.N. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

1. Dwelling, nursing homes, and congregate living facilities for the elderly or physically handicapped;
2. Medical facilities including offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities;
3. Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area; and,
4. Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, or visitors; and,

459.O. The applicant must comply with all State requirements at all times.

Section 460 Methadone Treatment Facility

460.A. Within the I Zone, methadone treatment facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

460.B. An methadone treatment facilities shall not be permitted to be located within one thousand feet (1,000') of any other methadone treatment facilities;

460.C. No methadone treatment facilities shall be located within one thousand feet (1000') of any land within the R-1, R-2, R-3 and AQC Zones;

460.D. No methadone treatment facilities shall be located within one thousand feet (1000') of any parcel of land which contains any one or more of the following specified land uses:

1. Amusement park;
2. Camp (for minors' activity);
3. Child care facility;
4. Church or other similar religious facility;
5. Community center;
6. Museum;
7. Park;
8. Playground;
9. School; or
10. Other lands where minors congregate.

460.E. The distance between any two methadone treatment facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any methadone treatment facilities and any land use

specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

Section 461 Mining, Quarrying and Related Processing Facilities

461.A. Within the I Zone, mining, quarrying and related processing facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

461.B. General - Operations:

1. shall not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
2. shall not adversely affect any public or private water supply source;
3. shall not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township;
4. shall not create any significant damage to the health, safety or welfare of the Township and its residents and property owners;
5. shall not result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the mining operation; and,
6. must demonstrate compliance with all applicable State regulations at all times.

461.C. Site Plan Requirements - As a part of each application, the applicant shall submit those materials required by Section 7.(b) of the Noncoal Surface Mining Conservation and Reclamation Act (Act No. 1984-219) which shall include, at a minimum, an accurately-surveyed site plan on a scale no less than 1:2400 (1 inch equals 200 feet), showing the location of the subject property or properties to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor, with assistance from experts in related fields, and shall include the following:

1. The boundaries of the proposed land affected, together with the drainage area above and below the subject property;
2. The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the subject property and within one thousand feet (1,000') of the outer perimeter of the subject property;
3. The location of all buildings within one thousand feet (1,000') of the outer perimeter of the subject property, and the names and addresses of the owners and present occupants;
4. The purpose for which each building is used; and,
5. The name of the owner of the subject property and the names of adjacent landowners, the municipality, and the county.

461.D. Minimum Lot Area - Fifty (50) acres;

- 461.E. **Fencing** - Operations that have a highwall, as defined herein, fifteen feet (15'), or higher, shall be required to enclose the actual area of mining with a minimum eight foot (8') high chain link fence and like latching gates. Operations with no highwalls, or highwalls of less than fifteen feet (15') high, shall be required to enclose the area of mining with a minimum forty-seven inches (47") high minimum 11 gauge woven wire fence that has openings no larger than six inches (6") in any direction and has posts at intervals of no more than ten feet (10'). All woven wire fences shall be equipped with latching minimum six (6) bar tube or panel gates, at vehicular access points;

All gates shall be latched at times when the site is unattended. The Township will accept departures from the above-described fence/gate specifications, only if the applicant can demonstrate that the proposed fence/gate will achieve an equal or higher level of protection;

Along all fences, the applicant will be required to post and maintain "No Trespassing" and/or "Danger" signs at intervals of no less than one (1) sign per each hundred (100) lineal feet of fence/gate. Such signs shall be no larger than two (2) square feet per sign and shall not be posted higher than five feet (5') above grade. All fences/gates shall be maintained in good condition and shall not be allowed to become deteriorated or unsightly;

There shall be no advertising placed upon the fencing/gate, except as may be permitted in Section 322 of this Ordinance;

- 461.F. **Setback** - The following table identifies minimum setbacks imposed upon specific features of the mining and/or processing uses from adjoining and/or nearby uses;

Mining-Related Feature	Any Occupied Building that is not part of the Mining and/or Processing Site	R-1, R-2, R-3 & AQC Zones	Adjoining Road	Public/ Nonprofit Park	Cemetery or Stream Bank	Adjoining Property
stock piles or spoil piles	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
mineral processing equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
open mine pit and highwall	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
on-site access roads and off-street parking, loading and vehicle storage and weighing facilities	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.
other operational equipment, structures and/or improvements	300 ft.	1,000 ft.	100 ft.	300 ft.	100 ft.	100 ft.

- 461.G. **Access** - Vehicular access shall be provided in accordance with Section 301 of this Ordinance. All access drives serving the site shall have a paved, minimum thirty-five foot (35') wide, cartway for a distance of at least one hundred feet (100') from the intersecting street right-of-way line. In addition, a fifty foot (50') long gravel section of access drive shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;

- 461.H. **Reclamation** - The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. A planting plan shall also be required for areas of the reclaimed site that are not to be underwater. Such plan shall demonstrate the covering of the site with sufficient arable soil that can stabilize the site with a vegetative ground cover that prevents excessive soil erosion and will support a mix of indigenous vegetation. Finally, the applicant shall provide written notification to the

Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;

- 461.I. Buffering and Screening – A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. All uses shall be screened from adjoining roads and properties. Such screening shall be comprised of an earthen berm at least ten feet (10') in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a minimum ten foot (10') wide landscape screen. Such landscape screen shall consist of evergreen shrubs and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of deciduous and evergreen trees of not less than five feet (5') in height at the time of planting, that shall be planted at intervals of not more than ten feet (10'). The low-level screen shall consist of evergreen trees and shrubs of not less than three feet (3') in height at the time of planting, that shall be planted at intervals of not more than five feet (5'). The landscape screen shall be located outside of the fence required by Section 461.F. of this Ordinance and must be permanently maintained;
- 461.J. Operations Progress Report - Within ninety (90) days after commencement of mining operations, and during the first thirty (30) days of each calendar year thereafter, the operator shall file an operations progress report with the Zoning Officer, setting forth all of the following:
1. The name or number of the operation;
 2. The location of the operation with reference to the nearest public road;
 3. A description of the subject property or properties, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
 4. The name and address of the landowner or his duly authorized representative;
 5. An annual report of the type and quantity of mineral produced;
 6. The current status of the reclamation work performed in pursuance of the approved reclamation plan;
 7. A maintenance report for the site that verifies that all required fencing, signage, and berming has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and,
 8. Verification that the proposed use continues to comply with all applicable State and Township regulations and any conditions imposed at the time of approval. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP;
- 461.K. Water Restoration - In accordance with Section 11.(g) of the PA Noncoal Surface Mining and Conservation and Reclamation Act, any mining/processing operation that affects a public or private water supply due to contamination, interruption, or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the affected supply; and,
- 461.L. Maximum Permitted Height - No piling of spoiled materials and/or waste materials shall exceed a height of fifty feet (50') above the natural unexcavated grade. Such pilings must be periodically and sufficiently covered with earth and the seed of a year-round ground cover in order to achieve a stable condition.

Section 462 Mini-Warehouses

- 462.A. Within the C and I Zones, mini-warehouses are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 462.B. One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one per each two hundred fifty (250) square feet of office space, plus two per any residential use associated with an on-site manager;
- 462.C. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane;
- 462.D. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the R-1, R-2, R-3 and AQC Zones and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- 462.E. Except as noted above, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- 462.F. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- 462.G. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the R-1, R-2, R-3 and AQC Zones;
- 462.H. Mini-warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:
1. Auctions, commercial wholesale or retail sales, or garage sales;
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
 4. The establishment of a transfer and storage business; and,
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;
- 462.I. The mini-warehouses will be surrounded by a six foot (6') to eight foot (8') high fence; and,
- 462.J. All outdoor lights shall be shielded to direct light and glare only onto the site and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and

focused away from all adjoining property. The applicant shall demonstrate compliance with Section 310 of this Ordinance.

Section 463 Nightclubs

- 463.A. Within the C Zone, nightclubs are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and within the VC Overlay Zone nightclubs are permitted by right provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance and specifically as follows:
- 463.B. No part of the subject property shall be located within two hundred feet (200') of any land within the R-1, R-2, R-3 and AQC Zones;
- 463.C. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation;
- 463.D. The applicant shall demonstrate compliance with Sections 310 and 312 of this Ordinance;
- 463.E. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- 463.F. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 464 Noncommercial Keeping of Livestock

- 464.A. Within the SMC, A, OSR and R-1 Zones, the noncommercial keeping of livestock, as defined herein, is permitted by right as an accessory use to a principal residence subject to the following requirements:
- 464.B. Minimum Lot Area – All uses shall comply with the minimum lot area requirements within each respective Zone; however, in no case shall a lot contain less than one (1) acre for group 1 and 2 animals and two (2) acres for group 3 animals. Additionally, the following list specifies additional requirements by size of animals kept. The keeping of a combination of animal types (Group 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than fifty (50) total animals:
1. GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of fifty (50) animals;
 2. GROUP 2 - Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals; and,
 3. GROUP 3 - Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.

464.C. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock; should one structure be used to house a combination of animal types, the most restrictive setback shall apply:

:

1. GROUP 1 Animals
Up to 25 animals, a twenty-five foot (25') setback;
Above 25 animals, a fifty foot (50') setback;
2. GROUP 2 Animals
Up to 2 animals; a twenty-five foot (25') setback;
Above 2 animals; a fifty foot (50') setback; and,
3. GROUP 3 Animals
Fifty feet (50').

464.D. All structures used to house Group 3 noncommercial livestock shall be fitted with a durable floor surface that can withstand the wear associated with the weight and movement of horses without failure (portable storage shed floors are generally unsuitable for such purposes). All structures used to house noncommercial livestock shall be prohibited from placement in the front yard;

464.E. All outdoor pasture/recreation areas shall be maintained with a vegetated and stable surface and enclosed with fencing to prevent the escape of the animals;

464.F. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture; and,

464.G. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

Section 465 Nursing, Rest or Retirement Homes

465.A. Within the R-2 and R-3 Zone nursing, rest or retirement homes are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:

465.B. Minimum Lot Area - Two (2) acres;

465.C. All parking areas shall be set back a minimum of twenty-five feet (25') from all property lines. All off-street parking and/or loading areas shall be screened from adjoining lots and streets;

465.C. A nursing, rest or retirement home may erect one (1) sign no larger than twelve (12) square feet in size, which must be set back ten feet (10') from all lot lines;

465.D. The applicant shall furnish evidence that an approved means of water supply and public sewers shall be utilized;

465.E. At least ten percent (10%) of required parking spaces shall be designed for handicapped persons; and,

465.F. No more than twenty-seven (27) care beds per acre shall be permitted.

Section 466 Ornamental Ponds and Wading Pools

- 466.A. Within any Zone ornamental ponds and wading pools are accessory uses permitted by right, subject to the following criteria:
- 466.B. Such uses shall comply with all side and rear yard accessory use setbacks, and principal front yard setbacks;
- 466.C. No such impoundment shall contain more than 337.5 cubic feet of water (2,530 gallons). No such impoundment shall have a length or diameter exceeding fifteen feet (15') nor a maximum depth exceeding one and one-half (1½') feet;
- 466.D. All ponds, pools or other impoundments exceeding the requirements of this Section shall be considered as "Man-made Lakes, Dams and Impoundments," and are subject to the criteria listed in Section 455 of this Ordinance;
- 466.E. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor, or the harboring of insects; and,
- 466.F. No such pond(s) shall be used for the commercial hatching of fish or other species.

Section 467 Outdoor Shooting Ranges

- 467.A. Within the SMC Zone, outdoor shooting ranges are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 467.B. The applicant shall submit a detailed written description of the methods used to ensure that outdoor shooting range operations:
 - 1. Do not substantially injure or detract from the lawful existing or permitted use of neighboring properties;
 - 2. Do not substantially damage the health, safety or welfare of the Township, or its residents and property owners;
 - 3. Comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm;
 - 4. Store ammunition only in an approved secure vault;
 - 5. Limit the number of shooters to the number of firing points or stations identified on the development plan;
 - 6. Require all shooters to satisfactorily complete an orientation safety program given in accordance with the PA Game Commission, or show a valid hunting permit or gun permit, before they are allowed to discharge firearms without supervision;
 - 7. Prohibit the consumption of alcoholic beverages within the area approved as the shooting range; and,

8. Limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in accordance with Section 310 of this Ordinance, in which case all shooting shall cease by 11 p.m.;
- 467.C. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- 467.D. The firing range, including the entire Safety Fan, shall be enclosed with a six foot (6') high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall, red letters on a white background shall be posted at a maximum of one hundred foot (100') intervals around the range perimeter. Signs shall read **"SHOOTING RANGE AREA. KEEP OUT!"**;
- 467.E. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan;
- 467.F. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials;
- 467.G. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way;
- 467.H. The applicant shall present credible evidence that the sounds of shooting comply with Section 312 of this Ordinance;
- 467.I. Off-street parking facilities shall be provided with a ratio of one and one-half (1½) spaces per firing station, but not less than one (1) space for each four (4) seats; and,
- 467.J. No part of a shooting range property shall be located within one-quarter (¼) mile of any land within a R-1, R-2, R-3 and AQC Zones.

Section 468 Parking Compounds

- 468.A. Within the E Zone, parking compounds are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 468.B. The parking compound shall have an employee on duty at all times during operation of the use;
- 468.C. The parking compound shall be connected to the adjoining street via one or more access drives in accordance Section 301 of this Ordinance;
- 468.D. The parking compound shall be designed in accordance with Section 314 of this Ordinance;
- 468.E. The applicant shall demonstrate compliance with Section 310 of this Ordinance;
- 468.F. Any booths or other structures used for the collection of parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after opening, the Township determines that

- traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;
- 468.G. The use must employ some advance notification (signage) that informs potential patrons before they enter the site that the parking compound is full;
- 468.H. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 312 of this Ordinance;
- 468.I. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris; and,
- 468.J. The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No "porta-potties" are permitted.

Section 469 Principal Waste Handling, Recycling, Processing, Transfer and Disposal Facilities

- 469.A. Within the I Zone, principal waste handling, recycling, processing, transfer and disposal facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 469.B. All principal waste handling, recycling, processing and disposal facilities for "municipal and residual wastes," as defined by the PA DEP, shall be operated by the Solid Waste Authority of Lehigh County;
- 469.C. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;
- 469.D. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any adjoining land within the R-1, R-2, R-3 and AQC Zones;
- 469.E. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight foot (8') high fence, with no openings greater than two inches (2") in any direction;
- 469.F. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 469.G. The use shall be screened from all adjoining land within the SMC, A, OSR, R-1, R-2, R-3 and AQC Zones;
- 469.H. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;

- 469.I. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 469.J. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
- 469.K. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 469.L. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;
- 469.M. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building;
- 469.N. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;
- 469.O. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 469.P. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- 469.Q. All structures shall be set back at least a distance equal to their height;
- 469.R. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 469.S. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
1. calculations of the projected water needs;
 2. a geologic map of the area with a radius of at least one mile from the site;
 3. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 4. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000')

- of the site;
 - 5. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 - 6. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - 7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 - 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 469.T. The applicant shall provide a traffic impact study meeting the requirements of the SALDO;
- 469.U. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and,
- 469.V. No principal waste disposal facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

Section 470 Private Clubhouses

- 470.A. Within the R-1 and R-2 Zones, private clubhouses (as defined herein) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 470.B. All off-street parking shall be provided in the front yard. Parking compounds will also be screened and set back thirty feet (30') from any adjoining properties within the R-1, R-2, R-3 and AQC Zones;
- 470.C. All buildings and outdoor areas used for recreation shall be located a minimum of one hundred (100) feet from all property lines and any lighted outdoor athletic facilities shall be located a minimum of three hundred (300) feet from any adjoining lands within any R-1, R-2, R-3 and AQC Zones;
- 470.D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used;
- 470.E. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation;
- 470.F. The applicant shall demonstrate compliance with Sections 310 and 312 of this Ordinance;
- 470.G. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- 470.H.. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 471 Recycling Facilities for Paper, Plastic, Glass, and Metal Products

- 471.A. Within the I Zone, recycling of paper, glass and metal products is permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 471.B. All operations, including collection shall be conducted within a completely-enclosed building;
- 471.C. There shall be no outdoor storage of materials and/or wastes processed, used or generated by the operation;
- 471.D. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with fumes and dust;
- 471.E. The applicant shall demonstrate compliance with Sections 310 and 312 of this Ordinance;
- 471.F. The applicant shall be required to submit a written working plan to assure regular maintenance of the site to immediately collect stray debris and litter.

Section 472 Residential Swimming Pools

- 472.A. Within any Zone, a swimming pool is an accessory use to a residence permitted by right, subject to the following criteria:
- 472.B. Swimming pools shall not be located within the front yard and shall be setback at least fifteen (15) feet from any side or rear lot lines, as measured from and structures around or associated with the pool such as decks, patios, sidewalks, pool equipment, etc.
- 472.C. All pools shall comply with applicable fencing and gating requirements as listed in the UCC.
- 472.D. Only portable swimming pools shall be permitted without operable filtration utilizing chlorine, bromine, ozone or some other effective antibacterial agent.

Section 473 Residential Tennis / Athletic Courts

- 473.A. Within any Zone, a tennis / athletic court is an accessory use to a residence permitted by right, subject to the following criteria:
- 473.B. All courts shall either be setback a sufficient distance from any lot line to prevent the trespass of balls or other play objects onto adjoining properties or be equipped with fences that will prevent such trespass;
- 473.C. Such fence shall extend parallel to the baseline at either end of the tennis court at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed; and,
- 473.D. Any lighting fixtures shall comply with Section 310 of this Ordinance.

Section 474 Riding Stables

- 474.A. Within the A, OSR, R-1 and R-2 Zones, riding stables, as defined herein, are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 474.B. Minimum Lot Area - Ten (10) acres;
- 474.C. Any structure used for the boarding of horses shall be set back at least one hundred feet (100') from any property line and shall not be located within the front yard;
- 474.D. All stables shall be maintained so to minimize odors perceptible at the property line;
- 474.E. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four foot (4') high fence, which will be located at least ten feet (10') from all property lines;
- 474.F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 314.V. of this Ordinance. Specifically with respect to parking, the applicant shall demonstrate that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property. In addition, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;
- 474.G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion;
- 474.H. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines.
- 474.I. The applicant shall furnish evidence of an effective means to dispose dead animals according to the regulations of the Pennsylvania Department of Agriculture;
- 474.J. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties; and,
- 474.K. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations with particular attention to those pesticides, insecticides and detergents used.

Section 475 Roadside Stands

- 475.A. Within the A Zone roadside stands, as defined herein, for the seasonal sale of agricultural products are permitted by right as an accessory use to an agricultural or horticultural use, subject to the

following requirements:

- 475.B. Roadside stands shall not exceed three hundred (300) square feet of total display area;
- 475.C. Roadside stands must be located at least twenty feet (20') from the right-of-way line and must have at least three (3) off-street parking spaces;
- 475.D. A maximum of two (2) signs will be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen feet (15');
- 475.E. Any structure must be located at least fifty feet (50') from any side or rear property line;
- 475.F. No structures housing a roadside stand or accompanying parking area may be located within one hundred feet (100') of any intersecting street rights-of-ways; and,
- 475.G. No more than one (1) roadside stand per property shall be permitted.

Section 476 Routine Repair of Personal Motor Vehicles

- 476.A. Within any Zone the routine repair and servicing of personal motor vehicles, owned or leased by the person performing such services within a completely-enclosed building, is an accessory use to a residence permitted by right, provided that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations; and,
- 476.B. Within the SMC, A, OSR, R-1 and R-2 Zones the routine maintenance, repair and servicing of personal motor vehicles, owned or leased by the person performing such services outside of a completely-enclosed building, is an accessory use to a residence permitted by right subject to the following criteria:
 - 1. All vehicles shall be maintained with proper licensure;
 - 2. Work shall be limited to the following:
 - a. Servicing and replacement of spark plugs, batteries, distributors, and distributor parts;
 - b. Repair and replacement of tires and wheels, excluding recapping or re-grooving;
 - c. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors, and engine coolants;
 - d. Repair and replacement of audio systems, amplifiers, and speakers;
 - e. Cleaning and flushing of radiators only when flushed into a water-tight container;
 - f. Repair and replacement of fuel pump, oil pump and line repairs;
 - g. Minor servicing and adjustment of carburetors and injectors;
 - h. Minor motor adjustments not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;
 - i. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating; and,

- j. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, rubbing, polishing, waxing, and the application of paint sealants;
- 4. The disposal of all by-product or waste fuels, lubricants, chemicals, and other products shall be accomplished in a manner that complies with State and Federal regulations; and,
- 5. No vehicle shall be stored in a “jacked-up” position, or on blocks for more than seventy-two (72) continuous hours.

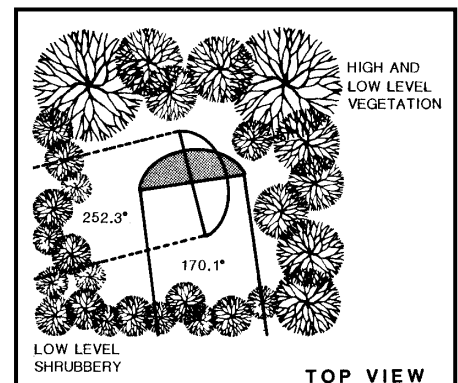
Section 477 Rural Occupations

- 477.A. Within the A, and OSR Zone rural occupations, as defined herein, are permitted by right as an accessory use to a single family detached dwelling unit, subject to the following requirements:
- 477.B. Only one (1) rural occupation may be conducted on the same property as the owner's principal residence and shall not exceed the area of the principal residence's ground floor or one thousand (1,000) square feet, whichever is the lesser;
- 477.C. A rural occupation shall only be conducted within one completely enclosed outbuilding that satisfies at least one (1) of the following:
 - 1. The building will remain the same size and in the same location as it existed on the effective date of this Ordinance; or
 - 2. The building is limited to one (1) story in height or fifteen feet (15'), whichever is lesser, is no larger than the square footage that comprises the principal residence's main grade level, is located in the rear yard of the principal residence, and is set back at least fifty feet (50') from any side or rear lot lines. All applicants are required to design buildings that are compatible with their residential settings;
- 477.D. In no case shall any new rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the sole owner of the business resides on the site;
- 477.E. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and/or other accessory uses;
- 477.F. All off-street parking and loading spaces shall be screened from adjoining roads and properties;
- 477.G. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principal residence, so long as it is screened from adjoining roads and properties;
- 477.H. One (1) non-illuminated sign not exceeding ten (10) square feet shall be permitted and must be set back at least ten feet (10') from all property lines;
- 477.I. No rural occupation and its principal dwelling shall generate more than twenty (20) vehicle trips per day to or from the site. The applicant shall furnish a written and sworn statement regarding the expected numbers of vehicle trips associated with the proposed use;
- 477.J. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted;

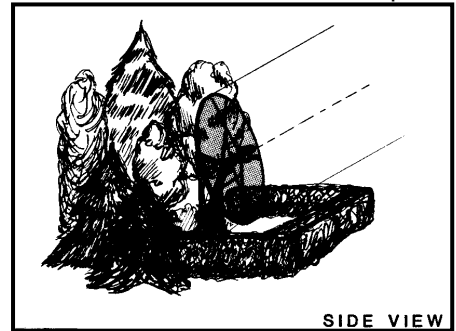
- 477.K. Only residents of the site may be employed in the rural occupation. For the purposes of this Section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation;
- 477.L. Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m. No rural occupation shall be conducted on Sundays;
- 477.M. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for wastewater treatment;
- 477.N. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation;
- 457.O. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further, that such means is part of the same system in use for the principal residence; and,
- 477.P. The applicant is required to submit written information indicating that the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum include, copies of contracts with waste haulers licensed to operate within Lehigh County, which have been contracted to dispose of the materials and wastes used, or generated, on-site or some other legal means of disposal. The zoning permit for this use shall remain valid, only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the rural occupation change in the future, such that the materials used, or wastes generated, changes significantly, either in type or amount, the owner of the rural occupation shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

Section 478 Satellite Dish Antennas

- 478.A. Within any Zone, roof or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right. Residential properties shall contain no more than two (2) such devices;
- 478.B. Within the SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zones one ground-mounted satellite dish antenna up to one meter (39.4 inches) in diameter is permitted by right as an accessory use to a single family dwelling unit, subject to the following requirements:
1. All accessory residential installations must comply with all residential accessory use requirements specified within the Zone;
 2. All installations shall be located (where possible) to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
 3. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna. Required screening



shall consist of evergreen plantings that provide eighty percent (80%) visual blockage of the area between ground level and a height of six (6) feet along the antenna's non-reception window axes. Required low-level ornamental landscaping shall consist of vegetative materials that are planted with sufficient density to form an enclosure with the required screening, around the base of the antenna. Ornamental landscaping height will be determined by the installation's required elevation alignments. The above diagrams present illustrative examples of a required screening and landscaping treatment. All screening and landscaping requirements can be waived if the satellite dish antenna is at least one hundred (100) feet from any property line;



4. All installations shall be securely anchored to the ground to prevent detachment during foul weather conditions. The applicant shall furnish evidence (statements and/or drawings) indicating the foundation method to be employed;
 5. No transmission of video format data shall be permitted; and,
 6. The allowance of a satellite dish antenna shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township;
- 478.C. In any SMC, A, OSR, R-1, R-2, R-3, AQC and VC Zone, roof or window-mounted satellite dish antennas larger than one meter (39.4 inches) up to twelve feet (12') in diameter are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
1. Demonstration by the applicant that compliance with the applicable accessory yard, setback and height requirements would cause obstruction of a ground-mounted satellite dish antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control;
 2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
 3. No transmission of video format data shall be permitted;
 4. The satellite dish antenna must be set back at least the horizontal distance equal to its maximum height, from all property lines; and,
 5. Any granting of a special exception for a satellite dish antenna shall in no way place any liability upon the Township or its Zoning Hearing Board for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.
- 478.D. In any C, I and E Zone, satellite dish antennas are permitted by right, subject to the following criteria:
1. All installations shall comply with the area, height, bulk and setback standards imposed

upon principal uses;

2. All applications must include certification by a Commonwealth registered engineer that the proposed installation complies with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished;
3. All ground-mounted installations shall be screened from any adjoining properties. Such screening can be waived if the antenna is set back a distance at least five times its diameter from the adjoining property;
4. Those ground-mounted installations used to transmit video format data shall be completely enclosed by an eight (8) foot high fence. Such fence shall include signs warning of dangerous radiation levels, must be screened from adjoining properties, and must be locked at all times. This screening requirement can be waived if the fence is set back a distance at least five times the diameter of the satellite dish antenna, from the adjoining property; and,
5. The allowance of a satellite dish antenna(s) shall in no way place any liability upon the Township for the obstruction of the antenna's reception window due to permitted construction on adjoining or nearby properties. Any arrangements made to protect the antenna's reception window shall be between private parties, and not the Township.

Section 479 Sawmills

- 479.A. Within the I Zone, sawmills are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 479.B. No material shall be deposited or stored, and no building or structure shall be located, within two hundred feet (200') of any property line and five hundred feet (500') of any land within an OSR, R-1, R-2, R-3 and AQC Zone;
- 479.C. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto public roads;
- 479.D. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted.
- 479.E. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,
- 479.F. The applicant must demonstrate compliance with Section 312 of this Ordinance.

Section 480 Septage and Compost Processing

- 480.A. Within the A Zone, septage and compost processing are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 480.B. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof;

- 480.C. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- 480.D. The use shall be screened from all roads and adjoining properties;
- 480.E. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads;
- 480.F. All driveways onto the site must be paved for a distance of at least one hundred feet (100') from the street right-of-way line. In addition, a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding one hundred foot (100') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 480.G. The unloading, processing and transfer, of septage and compost shall be continuously supervised by a qualified facility operator;
- 480.H. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations;
- 480.I. If the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
1. calculations of the projected water needs;
 2. a geologic map of the area with a radius of at least one mile from the site;
 3. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;
 4. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 5. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 6. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 480.J. A minimum one hundred foot (100') wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip;
- 480.K. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this

road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road; and,

- 480.L. Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least three hundred feet (300') from all property lines, and five hundred feet (500') from any land within the R-1, R-2, R-3 and AQC Zones. In addition, any ventilation outlets must be oriented away from any land within the R-1, R-2, R-3 and AQC Zones.

Section 481 Shopping Centers

- 481.A. Within the C Zone, shopping centers are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 481.B. The initial approval of the shopping center shall require conditional use review. For freestanding pad sites, the applicant may choose to identify proposed building envelopes and a list of potential uses to be applied to each pad site respectively as an alternative to the specific identification of each use; however, in reviewing such pad sites the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the conditional use application. Any subsequent substitution of use within the shopping center shall be permitted by right so long as the proposed use is permitted and does not require amendment of the site plan approved by the original conditional use. Future uses to be substituted that require separate special exception or conditional use approval, shall follow such review and approval processes. Future uses that require amendment of the site plan shall require conditional use approval under Section 905 of this Ordinance;
- 481.C. Shopping centers shall front on an arterial road. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots. Access drives serving all shopping centers shall be set back at least two hundred feet (200') from the intersection of any street right-of-way lines along the same side of the street;
- 481.D. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;
- 481.E. Unless deferred by the Board of Supervisors, all shopping centers must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree;
- 481.F. Shopping centers with more than two hundred (200) parking spaces must integrate a designated location for a minimum of twenty (20) park and ride off-street parking spaces that is readily-identifiable and conveniently accessible to passing motorists. Such park and ride spaces can include those spaces required to serve the shopping center and shall be designed, signed, lighted and maintained in accordance with Section 314 of this Ordinance;
- 481.G. The applicant's site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property;

481.H. A traffic impact study shall be submitted by the applicant meeting the requirements of the SALDO;

481.I. Both public sewer and public water utilities shall be required.

481.J. The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Floor Area	Minimum Required Interior Landscaping As Described in Section 314.U.3. this Ord.	Minimum Required Off-Street Loading Spaces
Shopping center	4.5	5%	2 plus 1 per 50,000 sq. ft., or fraction thereof, of gross floor area over 20,000 sq. ft.
Freestanding restaurants that are integrated within the shopping center	4.5	5%	1 for uses with at least 2000 square feet plus 1 per 10,000 sq. ft., or fraction thereof, of gross floor area over 10,000 sq. ft.

481.K. The proposed shopping center design shall comply with the applicable regulations contained within the following table:

SHOPPING CENTER DESIGN REQUIREMENTS	
↓Standard / Use ⇒	shopping center
Required Lot Area	Minimum - 5 acres;
Minimum Required Lot Width	250 ft. at the building setback line & street line
Minimum Required Lot Depth	250 ft.
Required Minimum Yard Setbacks:	The following lists required setbacks between features of the shopping center and perimeter lot lines. No specific setbacks are required between buildings located upon the shopping center site except those that may be required by the ISO (as defined herein) or by the Pennsylvania Uniform Construction Code.
Front, as Measured from Street R.O.W.	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.
One Side	50 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters
Both Sides	100 ft. for buildings & structures (except permitted signs); 50 ft. for off-street parking & loading spaces & dumpsters
Rear	50 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters
Minimum Required Setback from Residential Zone as measured to closest point of area devoted to the use.	1. 500 ft. for uses with more than 60,000 square feet of gross floor area that operate between the hours of midnight and 6:00AM; 2. 200 ft. for uses with less than 60,000 square feet of gross floor area that operate between the hours of midnight and 6:00AM; and, 3. 100 ft. for uses that do not operate between the hours of midnight and 6:00AM.
Maximum Permitted Impervious Lot Coverage	60%
Maximum Permitted Building Height	See Section 220.G.

481.L. The applicant shall submit written expert evidence that demonstrates compliance with the lighting requirements of Section 310. of this Ordinance;

481.M. The applicant shall submit a landscape plan prepared by a landscape architect registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable provisions of Section 321 of this Ordinance. Such plans shall include but not be limited to details depicting:

1. Landscape buffers and screens used to protect adjoining residential zones and residential uses;
2. Screening used to prevent the spillage of headlights onto adjoining properties;
3. Typical interior landscape island treatments;
4. Typical landscape strip treatments; and,
5. Landscape treatments at the shopping center access drives' intersections with streets.

481.N. Developers are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this Section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this Section, and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - a. Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;
 - b. Feature prominent customer entrances and exterior pedestrian amenities;
 - c. Make use of a combination of wood, brick, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - d. Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;
 - e. Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - f. Place utilities underground.
2. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
3. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of seventy percent (70%).
4. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another land conditional use approval at that time.

5. Should any part of this Section 481.N. be declared invalid by the courts, the entire Section 481.O. shall be automatically repealed.

481.O. The applicant shall submit a sign plan that demonstrates compliance with Table 3 of Section 322.D. of this Ordinance regulating Planned Center Signs. Once approved as part of the conditional use review, any subsequent substitution of sign that does not increase the size and/or alter the location of signs permitted on the originally approved sign plan is permitted by right. Future signs that would alter the size and/or location of signs shall require conditional use approval.

Section 482 Slaughtering, Processing, Rendering, and Packaging of Meat Products and Their By-Products

482.A. Within the I Zone, slaughtering, processing, rendering, and packaging of meat products and their by-products are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

482.B. Minimum Lot Area - Five (5) acres;

482.C. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads as listed in Section 320 of this Ordinance;

482.D. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;

482.E. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;

482.F. The applicant shall furnish a written working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;

482.G. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;

482.H. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;

482.I. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels. The applicant must demonstrate those methods that will be used to comply with Section 312 of this Ordinance;

482.J. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;

482.K. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within an R-1, R-2, R-3 and AQC Zone;

482.L. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;

- 482.M. Both public sewer and public water shall be utilized. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- 482.N. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- 482.O. All animal by-products and wastes shall be loaded and/or unloaded onto vehicles while such vehicles are located within a completely enclosed building. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- 482.P. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- 482.Q. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- 482.R. The applicant shall furnish a traffic impact study meeting the requirements of the SALDO.

Section 483 Town Center Core

483.A. Within the E Zone, a town center core is permitted by right, subject to the following criteria:

483.B. PURPOSE

This use intends to provide for a mixed use activity center amid the Township's larger Enterprise Zone. The requirements of this use seek to create a distinct destination for a required mixture of retail commercial, cultural and passive recreation uses that will serve not only local residents and employees, but attract visitors. Uses have been carefully selected to support and compliment the specific purposes, and limits imposed on overall retail size ensure a proper pedestrian scale. Such uses are blended amid a pleasant centralized location with abundant amenities for pedestrian access and leisure. Strict design requirements replicate a traditional "down-town" setting within a tightly-knit grid block and street arrangement all connected by landscaped sidewalks and other pedestrian features. Building and sign size and orientation favor pedestrian customers. Limited on-street parking provides for convenient close access to storefronts while the larger off-street parking lots are physically separated from the central shopping streetscape. Loading and waste storage areas must be removed from the streetscape and accessed by peripheral vehicle service lanes. Density bonuses encourage high-quality building and landscape architecture.

483.C. USES PERMITTED BY RIGHT

1. **Banks and similar financial uses with or without ATMs**, provided that no drive-thru lane shall connect with the grid-block streetscape of the building;
2. **Bakers, caterers and confectioners for retail sales.**

3. **Business support services** including but not limited to instructional services, training centers, commercial daycare centers and preschools;
4. **Dance, music, art, fashion and photographic studios and galleries.**
5. **Dry cleaners, and laundry pick-up stations but excluding laundromats.**
6. **Facilities devoted to entertainment and cultural activities**, including but not limited to theatres, playhouses, amphitheaters, concert halls, auditoriums, band shells, recital halls, cinemas, art galleries, libraries, and museums. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
7. **Facilities devoted solely to the management, maintenance and security of the Town Center Core.**
8. **Health, fitness and recreational clubs, gymnasiums and spas.**
9. **Hotels, motels and similar lodging facilities**, including conference centers, exhibition halls, related dining and beverage sales, indoor and outdoor entertainment venues, and indoor and outdoor recreational facilities.
10. **Medical, dental, optical, veterinary and counseling clinics and offices.**
11. **Offices.**
12. **Public utilities structures.**
13. **Restaurants** (including drive-thru and/or fast-food restaurants provided that no drive-thru lane shall connect with the grid-block streetscape of the building) **cafes, coffee shops, delicatessens, taverns, microbreweries and nightclubs**, all including outdoor seating and indoor and/or outdoor entertainment venues.
14. **Retail sale of goods and personal services** without limitation on size (excluding adult uses). For the purposes of this Section 483, the retail sales of goods and personal services exceeding 60,000 square feet in gross floor area shall not be considered to be a shopping center, as defined herein.
15. **Specialty food stores**, as defined herein.
16. **Structures and facilities of Upper Saucon Township or its agencies and/or authorities** including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way, including refuse incinerators, subject to the requirements of Section 201.F. of this Ordinance.

483.D. USES PROHIBITED – Uses permitted within the Town Center Core shall be limited to those listed in the above Section 483.C. unless they are expressly prohibited as follows:

1. Automobile filling stations, convenience stores with gasoline pumps, automotive, boat, recreational vehicle, and truck dealerships, and similar sales, service, and repair garages;
2. Adult uses, cabarets, massage parlors, and, tattoo establishments;

3. Mini-warehouses;
4. Convenience stores;
5. Supermarkets and supercenters, whose purpose is the sale of packaged food, fresh food, or refrigerated foods, amongst others, that exceeds 10,000 square feet in size, except as specifically permitted in Section 483.C.15. of this Ordinance;
6. On-site dry cleaning or laundry plants and laundromats;
7. Discount department stores; and,
8. Wholesale establishments, clubs, or services.

483.E. REQUIRED DEVELOPMENT SIZE

1. The Town Center Core shall contain a minimum of fifty (50) acres and a maximum one hundred (100) acres, shall be contiguous, and result in only one (1) Town Center Core within the Township.
2. Subdivision of land within the Town Center Core for the purpose of financial arrangements with building occupants, including fee simple purchase, leases, and ground leases is permissible. There shall be no minimum or maximum lot size established for subdivision of lots within the Town Center Core.

483.F. REQUIRED UNIFIED DESIGN AND MANAGEMENT

A Town Center Core development shall require a unified grid-block street system with pedestrian oriented sidewalks, a coordinated architectural scheme, unified landscaping, lighting, and signage and integrated pedestrian oriented spaces. Development within the Town Center Core shall be under the management and control of a single entity except that out parcels and ground leases may be developed under separate control and management in accordance with an approved and recorded master plan. Subject to rights of utility companies, all roads, sewer systems, water systems, electrical systems, other utilities or public improvements of any kind (hereinafter referred to as 'infrastructure') created in conjunction with the Town Center Core shall be owned and maintained by the responsible party of the Town Center Core or other form of maintenance entity (all hereinafter collectively or separately referred to as 'owner'), unless the respective, affected public utility retains or agrees to retain ownership.

483.G. INFRASTRUCTURE RESPONSIBILITY

It is the intent of the Township through concentration of mixed, diverse, and intense land usage within a single geographic area of the municipality to plan for infrastructure improvements commensurate to the intended density and intensity of land uses. Any and all infrastructure requirements associated with the diverse and intense land use permitted in the Town Center Core (e.g. grid-block streets, service lanes, access roads, water supply and sanitary sewage disposal) shall be the responsibility of the developer of the Town Center Core.

483.H. RELATIONSHIP TO OTHER ORDINANCES

1. Every subdivision and land development plan relating in whole or in part to the Town Center Core Development shall be subject to the regulations contained in this Zoning Ordinance, the Upper Saucon Township Subdivision and Land Development Ordinance and all other applicable ordinances and resolutions of Upper Saucon Township and shall

be subject to municipal review and approval in accordance therewith, except as otherwise expressly set forth in this Section 483.

2. Nothing contained herein shall eliminate or modify the requirements for building, zoning, and occupancy permits or certificates.
3. In the event of a conflict between this Section 483 and any other Section or provision of the Zoning Ordinance or any other ordinance or resolution of Upper Saucon Township which may be applicable to the Town Center Core Development, this Section 483 shall control.

483.I. REQUIRED FLOOR AREA

1. The Town Center Core shall provide a minimum of 500,000 square feet and a maximum of 900,000 square feet of street level (first floor) commercial and entertainment space floor area amidst a town streetscape development. Additional square footage may be located on the upper floors of Town Center Core structures. Square footage associated with hotel development shall not be attributable to total square footage permitted.
2. The Town Center Core master plan shall provide for a minimum of fifteen percent (15%) of the total number of retail establishments as eating, drinking, and/or entertainment establishments such as restaurants, cafés, coffee shops, delicatessens, bakeries, night clubs, and theaters. Street kiosks and vendors shall not be attributable to this percentage.

483.J. BUILDING ORIENTATION AND LOCATION

1. The Town Center Core shall not be an enclosed shopping mall or a conventional strip commercial center.
2. Buildings shall be sited to form a progression of grid-blocks to create a town streetscape with all buildings fronting upon the grid-block streets, service lanes, or pedestrian corridors (created in lieu of grid-block streets). Buildings shall be required to front upon both sides of all streetscape grid-block streets or pedestrian corridors. Buildings extending from the grid-block street right-of-way line to the sidewalks adjacent to the service lane and off-street parking areas shall provide dual entrances: one from the grid-block street side and another from the service lane side.
3. Except for service areas designed in accordance with Section 483.S., architectural and aesthetic treatments required by this ordinance to be provided along the grid-block street side frontage shall also be provided along the service lane side(s) of the buildings.
4. Retail establishments shall occupy buildings along and between the grid-block streets and service lanes of the Town Center Core. No buildings are permitted along the periphery of the off-street parking areas or between the access drives and/or service lanes unless adjacent to grid-block system and integrated into the grid-block system which includes placement of structures along pedestrian oriented corridors.
5. Architectural treatments and pedestrian oriented amenities are required on all sides of all buildings regardless if such facades and sidewalks front upon the streetscape grid-block streets or upon the service lanes.

6. No conventional setbacks are required between buildings within a Town Center Core.
7. Building facades shall be generally located directly adjoining the sidewalk along grid-block streets except as provided in Section 483.P.3.C. of this Ordinance.
8. All buildings, including but not limited to parking garages, within the Town Center Core shall be set back a minimum of seventy-five (75) feet from all Town Center Core boundaries; however, gateway structures may be located within this setback.
10. Gateway structures may be utilized to identify entrances to the Town Center Core. The gateway structure(s) may be constructed of any material and may extend over grid-block streets, service lanes, and/or access roads. Gateway structures may also be utilized as focal points at the terminus of grid-block streets and pedestrian corridors.
11. Free-standing exterior vending machines and vending machine enclosures are prohibited; however, exterior vending machines shall be permitted provided that they are contained within architecturally integrated enclosures. Vending machine enclosures shall be attached to, and be a part of, larger grid-block buildings and shall shield machines from view from the rear and sides. Vending machine enclosures shall not exceed seventy-five (75) square feet in interior size, and no more than three (3) such enclosures shall be permitted in the Town Center Core. Vending machines shall be controlled solely by the developer, its management company or its agent. Individual establishments or tenants are prohibited from locating or operating exterior vending machines.
12. Individual uses shall be attached unless pedestrian oriented spaces and/or outdoor restaurants, cafes, or the like are proposed between such structures or fully extend from the grid-block street side of the structures to the service lane side. When gaps are provided between buildings, the use of site amenities and/or site features, such as fountains, sculptures, kiosks, merchandise/vendor carts, landscape plantings, etc. to screen views of off-street parking areas and create a focal point or aesthetic accent to the gap is required.
13. No grid-block shall contain only one building housing one retail establishment unless the structure is situated on a "T" intersection and serves as the visual terminus of a grid-block street vista. The structure need not be parallel to the grid-block street it fronts upon but shall fulfill its requirement as a visual terminus of the grid-block street vista.
14. Future Buildings - The Town Center Core master plan may illustrate future buildings for commercial and entertainment establishments proposed as part of the grid-block street system. Square footage associated with future buildings shall be attributable to building coverage, impervious coverage, and total square footage. Required amenities associated with future buildings are not required until such time as a building permit is secured. Off-street parking may be located temporarily where future buildings are proposed provided that off-street parking shall be relocated and accommodated on site along with the additional off-street parking required by the future buildings at the time of building permit submission and approval.

483.K. BUILDING HEIGHT REQUIREMENTS

1. Excluding restaurant façades and any portion of façades fronting directly upon service areas, not less than sixty percent (60%) of the total horizontal length of all building façades shall be at least twenty-five (25) feet in height to the top of the parapet; provided, however, that under no circumstances shall any façade or portion thereof be less than twenty-one (21) feet to the top of the parapet. Restaurant façades and those portions of

façades fronting directly upon service areas that are twenty-five (25) feet or greater in height shall not be attributable to the sixty percent (60%) requirement.

2. Within each block and on each side of grid-block streets and/or service lanes the building height shall vary. The extent of variation shall be per owner.
3. Maximum height of any building constructed shall be sixty (60) feet (4 stories) not including the top of the parapet, and excluding architectural features (tower features, clock towers, theater marquees, skylights, etc.).
4. Off-street parking provided through the use of a parking garage shall have its height limited to one hundred (100) percent of the height of the closest building that it is to serve. The parking garage may be attached physically to an entertainment or retail establishment within the Town Center Core and, if so, may be located within the grid-block street system.

483.L. ARCHITECTURAL AND AESTHETIC REQUIREMENTS

1. In the design of the Town Center Core special emphasis shall be placed upon architectural treatments and aesthetics, including integrated architectural treatment, landscaping, lighting, signage, streetscape amenities and pedestrian features to promote a cohesive and aesthetic appearance.
2. Architectural treatments and pedestrian oriented amenities are required on all sides of all buildings regardless if such façades and sidewalks front upon the streetscape grid-block streets or upon the service lanes.
3. All façades of a building shall contribute to the architectural and aesthetic characteristics of the Town Center Core. This shall be accomplished through integration of front facade architectural characteristics on all façades. Design considerations shall include:
 - A. Architectural style of structures within the Town Center Core shall be designed to incorporate façade ornamentation, building offsets, window treatments, variations in roof lines, entry treatments and upgraded building materials.
 - B. Building façades greater than one hundred (100) feet in length, including separate buildings that are attached, shall have recesses or projections of at least two (2) feet extending over at least twenty percent (20%) of the length of the façade. There shall be no uninterrupted length of façade which exceeds one hundred (100) feet. Recesses or projections of at least four (4) feet are strongly encouraged.
 - C. Each façade of an establishment with twenty-five thousand (25,000) or more square feet that faces upon grid-block streets, service lanes or pedestrian corridors shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than thirty percent (30%) of its horizontal length. Except as to theaters, no building façade shall be windowless. Facades facing directly onto service areas shall not be subject to the requirements of this Subsection. Theaters shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than fifteen percent (15%) of the total horizontal length of all building façades.
 - D. Each façade of an establishment with less than twenty-five thousand (25,000) square feet that faces upon grid-block streets, service lanes or pedestrian

corridors shall have glass, arcades, display windows, entry areas, awnings or false windows along not less than forty-five percent (45%) of its horizontal length.

- E. Each building façade, including separate buildings which are attached, exceeding one hundred (100) feet in length shall have clearly defined, highly visible customer entrances that include architectural enhancements such as canopies, porticos, overhangs, marquees, recessed or projected entrances, raised cornice parapets, peaked roofs, arches, outdoor foyers, patios, display windows, planters, wing walls, landscaped sitting areas, and/or architectural details integrated into the buildings architectural design.
- F. Roof top service equipment shall be screened from view through architectural treatments to roof lines and/or facades themselves. Roof features may include parapets, overhanging eaves, or sloping roofs.
- G. The façade of each building shall be composed of several exterior materials which shall be selected and combined to enhance the aesthetic appeal, visual interest, and identities of each building, and the uses or tenants contained therein. Appropriate building materials may include wood, brick, stone, concrete masonry split face block or textured molded blocks, glass, stucco, EIFS or other similar materials. Aluminum siding, vinyl siding and smooth face concrete masonry are prohibited except within obscure service areas of the Town Center Core completely screened from grid-block streets, service lanes, access roads and off-street parking area views.
- H. Primary façade colors shall be subtle neutral or earth toned. The use of bright colors is preferable for all building trim and accents. Neon lighting may be used for building trim or accent along with other forms of exterior accent lighting to add color and interest to the structures.

483.M. COVERAGE REQUIREMENTS

- 1. Maximum lot coverage within the Town Center Core is sixty percent (60%). The impervious coverage may be increased an additional five percent (5%) for each of the following:
 - A. An increase of one inch (1") in caliper for all trees required within the Town Center Core.
 - B. Provision of a focal point or structure such as a clock tower, fountain, or piece of sculpture when placed at the apex or terminus of the pedestrian oriented corridor(s).
 - C. An additional 15,000 square feet of pedestrian oriented space in addition to the required pedestrian oriented space percentage of Section 483.P.3. of this Ordinance.
- 2. Total impervious coverage inclusive of all incentives shall not exceed seventy-five percent (75%).

483.N. VEHICULAR ACCESS REQUIREMENTS

- 1. The Town Center Core shall provide an integrated system of privately-owned and maintained grid-block streets, service lanes and access roads.

2. The vehicular circulation system shall provide a hierarchy of interior access roadways with grid-block streets, service lanes, access roads. Both on and off-street parking shall be provided in accordance with Sections 483.O.6. and 483.R.4. of this Ordinance.
3. Grid-block streets shall be arranged as a series of interconnecting parallel and perpendicular alignments upon which one hundred percent (100%) of the frontage shall adjoin buildings and/or pedestrian-oriented spaces. Accomplishment of this design must include blocks with streets intersecting other blocks with streets. The grid-block streets of the Town Center Core shall resemble that of a “downtown” with sidewalks and pedestrian-oriented streetscape amenities. Grid-block streets may include gentle curves to accommodate or accentuate environmentally sensitive areas.
 - A. Vehicular access onto the grid-block streets of the Town Center Core shall not be restricted or inhibited through the use of bollards, speed bumps, or other means, except during temporary special events.
 - B. Traffic control measures at intersections are permitted at the discretion of the owner of the Town Center Core.
4. Provisions for patron drop-off and pick-up at entertainment venues such as theaters or restaurants may be provided.
5. Use of traffic islands, circles, loops, or crescents within the grid-block street system are permitted. Dead-end streets are prohibited.
6. Use of “T” intersections within the grid-block street system is encouraged. “T” intersections shall be utilized to accommodate placement of a building, structure, or focal point at the terminus of the intersecting grid-block street thus creating the required backdrop to the street vista. This includes intersection of a pedestrian corridor with a grid-block street and the provision of building, structure, or focal point at the terminus of the intersection.
7. All grid-block streets, and service lanes shall be setback a minimum of thirty feet (30’) from all Town Center Core boundaries.
8. A traffic impact study shall be submitted in conjunction with the land development plan meeting the requirements of the SALDO. The traffic impact study shall identify anticipated traffic impact on surrounding existing road network along with vehicular circulation improvements proposed as part of the Town Center Core development.

483.O. STREETSCAPE DESIGN CONSIDERATIONS

1. The maximum length of blocks shall be six hundred (600) linear feet. Minimum length of blocks shall be two hundred (200) linear feet.
2. Pattern of grid-blocks within the Town Center Core shall facilitate the provision of grid-block streets intersecting other grid-block streets. A pedestrian oriented area may be used in lieu of a street but shall be a minimum width of thirty-four (34) feet and a maximum width of two hundred and fifty (250) feet; the width of pedestrian oriented corridor may fluctuate between the permitted minimum and maximum width. Use of a pedestrian oriented corridor in lieu of a grid-block street does not negate the need for buildings fronting upon both sides of the pedestrian oriented corridor.
3. Grid-block streets within the Town Center Core shall include:

- a two-way vehicle cartway;
- one lane of on-street parking (parallel or angled) along both sides of the street;
- one curbside shade tree planting strip along both sides of the street;
- one sidewalk along both sides of the street; and,
- an optional storefront landscape/architecture strip;

all, in accord with the following design standards:

Feature	Required Width
One-way vehicle travel cartway	12 feet per lane
Parallel on-street parking lane (both sides required)*	10 feet per side
45-degree angled on-street parking lane (both sides required)*	20 feet per side
60-degree angled on-street parking lane (both sides required)*	21 feet per side
Curbside shade tree planting strip (both sides required)	5 feet per side
Sidewalk (both sides required)	6 feet per side
Storefront landscape/architecture strip (optional)	5 feet per side
*On-street parking is not required along one or both sides of a street at a particular location provided that an applicant can demonstrate that the use of such on-street parking would pose some threat to the public safety at that particular location.	

4. Service lanes shall provide concrete and/or Belgian block curbs and can include any of the following:

- a one or two-way cartway;
- one lane of on-street parking (parallel, angled and/or perpendicular) along either or both sides of the street;
- one curbside shade tree planting strip along either or both sides of the street;
- one sidewalk along either or both sides of the street;
- an optional storefront landscape/architecture strip along either or both sides of the street; and,
- additional travel lanes per directional flow of traffic, center left turn lanes, right turn lanes, patron drop-off and pick-up, customer service loading zones, etc. may be utilized;

all, in accord with applicable design standards listed in Section 483.O.3. of this Ordinance.

5. Access roads providing connection to the Town Center Core shall provide concrete and/or Belgian block curbs but are not subject to the design requirements of grid-block streets within the Town Center Core. Access roads can include any of the following:

- the number of travel lanes, including but not limited to center left turn lanes and right turn lanes, determined by the findings of the traffic impact report performed in conjunction with Town Center Core development. However, if the access roads require more than one travel lane per directional flow of traffic, the following requirements of Section 483.O.5.A. shall apply;
- one curbside shade tree planting strip along both sides of the street;
- one sidewalk along either or both sides of the street; and,

- an optional storefront landscape/architecture strip along either or both sides of the street;

all, in accord with applicable design standards listed in Section 483.O.3. of this Ordinance.

- A. Access roads that require the provision of two travel lanes per directional flow of traffic shall be designed in accord with the following:
 - i. Landscaped boulevards shall be provided to separate the flow of traffic and improve aesthetics of the access road. The landscaped boulevards shall contain plant materials other than grass. Street trees and shrubs shall be incorporated within the boulevards at locations deemed appropriate by owner and at locations that do not obstruct sight distance. Street lighting may be located within the landscape boulevards in accord with regulations herein.
 - ii. Landscape boulevards shall be a minimum width of twelve (12) feet and permit placement of the center left turn lanes within the area allocated for the boulevard upon approaches to intersections as warranted by the traffic impact report.
6. On-street parking shall be permitted along both sides, but not the within the center of the grid-block streets and service lanes. The quantity of on-street parking spaces may be attributable to the overall off-street parking requirements as listed in Section 483.R.4. of this Ordinance. No on-street parking is permitted along access roads to the Town Center Core.
7. A landscape island approach shall be provided on all sides of all grid-block street intersections. The landscape island approach shall extend a minimum distance of twenty (20) feet from the intersecting pedestrian crosswalk.
8. A minimum twenty feet (20') long landscape or pedestrian island projecting the width of the on-street parking lane shall be provided according to the following intervals before additional parking spaces are provided for all grid-block streets and service lanes when on-street parking is provided:

Configuration of on-street parking	Number of continuous parking spaces before landscape / pedestrian island is required.*
Parallel spaces	7 spaces
45 or 60-degree angled spaces	20 spaces
Perpendicular spaces along service lane	20 spaces
*A landscape or pedestrian island is not required if the threshold for provision of the landscape or pedestrian island corresponds with the landscape island approach to a grid-block street or service lane intersection as required in the above Section 483.O.7. of this Ordinance.	

9. Pedestrian oriented spaces and/or promenades shall be provided as pedestrian connections between and among buildings along the grid-block streets and service lanes located on the periphery of the Town Center Core. Pedestrian access ways shall be provided along grid-block streets for ease of access between the grid-block street side and service lane side.

10. Pedestrian connections shall be required at intervals of not less than three hundred (300) feet along any Town Center Core grid-block street and/or service lanes, except in those circumstances where connections would access a service area. Pedestrian connections between buildings shall not exceed fifteen (15) feet in width unless utilized as a pedestrian oriented space for outdoor entertainment or retail activities. All pedestrian connections between buildings shall have facades that exhibit various setbacks and architectural treatments to add interest to the space. All pedestrian connections shall contain site amenities that serve its intended function.
11. Gateway structures may be utilized to identify entrances to the Town Center Core. The gateway structure(s) may be constructed of any material and may extend over grid-block streets, service lanes, and/or access roads. Gateway structures may also be utilized as focal points at the terminus of grid-block streets and pedestrian corridors.
12. Pedestrian oriented spaces shall contain sitting areas, outdoor cafes and restaurants, sidewalk vendors, and exterior displays of merchandise set amidst plantings, sculptures, and fountains all fronting upon a town streetscape in accord with regulations of this ordinance.
13. Architectural treatments, site amenities, signage, lighting, and landscaping shall be provided to create an aesthetic streetscape environment per regulations of this ordinance.
14. Outdoor dining areas may utilize porches, balconies, courtyards, plazas, and/or street side settings. Site amenities shall be provided to facilitate use of exterior spaces such as lighting, awnings, canopies, tables with chairs and umbrellas are required throughout the exterior space for aesthetics and improved use of outdoor facilities.
15. Exterior spaces for individual uses shall have definite discernible boundaries that can be defined by ornate fences, walls, landscaping, and/or architectural configuration of structures themselves. Water features and/or sculptures may be considered for inclusion within these exterior spaces.
16. The exterior spaces shall not encroach upon a minimum six (6) foot wide sidewalk as measured from and paralleling the street, but are encouraged to abut the sidewalk.
17. Sidewalks, crosswalks, curb ramps, and curbs shall be provided throughout the Town Center Core as follows:
 - A. Sidewalks shall not be less than six (6) feet in width and be clear of all site amenities and site features such as street trees, street tree grates, benches, bike racks, light poles, traffic control devices, bollards, kiosks, mail boxes, etc. as well as exterior entertainment/retail use such as outdoor cafes, restaurants, markets, etc. Except as noted in Section 483.O.4., sidewalks shall be provided along both sides of all grid-block streets and along the façade side of all service lanes.
 - B. Awnings, canopies, and marquees a minimum of eight (8) feet above the surface of the sidewalk may extend over the sidewalk up to an including the curb line of the grid-block street or service lane as desired by the owner.
 - C. Pedestrian sidewalks along grid-block streets and service lanes, excluding pedestrian oriented spaces and pedestrian oriented corridors, shall be constructed of unit pavers, concrete, brick, cobblestone, granite, or any combination thereof. Use of bituminous asphalt for sidewalks is prohibited. Sidewalks shall be designed so that no single paver or paving material may

occupy a contiguous area greater than six hundred (600) square feet without incorporation of a different paving, material, pattern, texture or color.

- D. Crosswalks shall be provided at all street intersections, mid-block crossings, and where pedestrian oriented corridors are bisected by grid-block streets, service lanes, access roads, or off-street parking lot access aisles. Crosswalks shall be a minimum six (6) feet in width and shall be constructed of brick, cobblestone, concrete pavers, or stamped concrete per owner choice. An appropriate edge material such as concrete or granite shall be utilized to define the crosswalk. Area within street intersections defined by crosswalks shall be constructed of material other than bituminous paving, i.e. concrete pavers or stamped concrete. Any and all materials chosen for sidewalks, crosswalks, and street intersections shall meet ADA requirements for accessibility.
- E. At street intersections, at grade pedestrian crossings shall be created by raising the street grade to be flush with the adjoining top of curb elevation.
- F. Grade separation shall be provided between all sidewalks and abutting grid-block streets, service lanes, and access roads except as specifically permitted within this Ordinance.
- G. Curbing shall be provided throughout the Town Center Core, along grid-block streets, service lanes, access roads, and off-street parking areas.
- H. Accommodations shall be required to promote barrier-free access such as at-grade crossings or handicapped ramps. Use of bollards, planters or other similar features to physically define edge of pedestrian sidewalks and edge of grid-block streets, service lanes, access roads, and off-street parking areas is required where grade separation is not provided..
- I. Concrete sidewalks shall extend within the peripheral off-street parking areas for pedestrian safety and convenience. These sidewalks shall be a minimum five (5) feet in width and shall be clear of encroachment by parked vehicles.

20. Awnings, Canopies, and Marquees:

- A. Awnings shall be provided as an adornment to an otherwise flat façade of a building, and to add a color, provide shelter, and reinforce the entry location.
- B. Illuminated marquees shall be provided for land uses in which use of such an architectural feature is appropriate for the intended use such as movie theaters and theaters for the performing arts. Marquees may extend from the façade of the building to the curb line and shall be illuminated brightly, including animated lights and messages if desired. Marquees may include vertical signage atop the marquees to a height commensurate to the intended use and scale of the structure but shall not exceed sixty-five (65) feet in height.

21. Banners:

- A. A pole-mounted single or dual vertical banner system shall be installed within the Town Center Core at locations and intervals determined by owner.
- B. The vertical banner system may contain the name of the Town Center and shall create a unified streetscape identity as desired by owner. Banners may be

changed throughout the course of the year to reflect seasons or special events. Under such cases, at least twenty-five (25) percent of all streetscape banners shall include reference to development name even if affixed to seasonal banners.

- C. The location of all poles and banners shall not obstruct sight distance requirements at any driveway and/or intersection per sight distance requirements of this Ordinance.

22. Benches, Tables, and Chairs:

- A. Benches, which can include raised seating walls, shall be provided on streetscapes and within pedestrian oriented spaces and pedestrian oriented corridors.
- B. Benches shall be located at points most appropriate for pedestrian comfort and customer convenience.
- C. At least one bench shall be installed for every 20,000 square feet of building floor area.
- D. Benches provided along the streetscape shall be provided at the rate of at least one bench for every 200 linear feet of street length but need not be placed at regular intervals.
- E. Benches shall be five (5) feet to eight (8) feet in length and shall be permanently installed.
- F. Bench type selected shall blend architecturally and aesthetically with the streetscape ambience. Multiple bench styles may be selected along with multiple colors if such style and color complements the aesthetic ambience of the Town Center Core.
- G. Tables and chairs that are moveable shall be utilized throughout the Town Center Core.

23. Bollards:

- A. Bollards shall be used to provide enclosure, control access, and/or serve as a means of separating pedestrian and vehicular circulation and minimizing potential conflicts.
- B. Bollards shall be permanently installed unless removable bollards are necessary to facilitate occasional access into an area for purposes of maintenance, conduct of special events, or provision of emergency services.
- C. Height and style of the bollard shall be determined by the owner. Bollards permanently installed in pedestrian oriented spaces, pedestrian oriented corridors and sidewalks shall be illuminated.

- i. Bollards with lighting may be used to provide low level pedestrian lighting along sidewalks. Bollards with lighting shall be designed to prohibit glare. Light source may or may not need to be concealed based upon the intended use of the bollard and the desired aesthetic effect.
- ii. Bollards shall complement the streetscape design and/or design of the pedestrian oriented space in which they are located.

25. Fences and Walls:

- A. Fences may be utilized to define courtyards, outdoor dining areas, outdoor sales areas, and pedestrian oriented spaces, and to screen and separate uses and activities. Chain-link fence is prohibited.
- B. Walls may be used to define pedestrian oriented spaces and provide a sense of enclosure to pedestrian oriented spaces. Walls shall not obstruct safe sight distance at intersections.

26. Kiosks may be placed in any pedestrian oriented space, pedestrian oriented corridor or entry court to a building to enhance orientation and/ or post announcements.

27. Transit Stops/Bus Stops/Shelters:

- A. Provisions for a public transit stop shall be provided within the Town Center Core.
- B. Appropriate loading and unloading areas shall be provided for convenience of transit users as well as to prevent temporary blockage to the flow of vehicular traffic on Town Center grid-block streets, service lanes, or access roads.
- C. Transit stops shall be illuminated for safety and convenience of transit users.

28. Public access to rest rooms shall be provided within the Town Center Core.

29. Utilities:

- A. All utilities within the Town Center Core shall be underground including electric power, telephone, cable, telecommunications, sanitary sewage disposal collection system, and, public water supply distribution system.
- B. Any above ground facilities shall be completely screened from view utilizing fencing and plant materials. Any and all utility meters shall be screened from public view.
- C. Satellite dishes shall be screened from view.
- D. Municipal sanitary sewage disposal and municipal water supply shall be utilized for the Town Center Core.
- E. All costs associated with utility installation shall be borne by the owner.

30. Trash Receptacles and Dumpsters:

- A. Trash receptacles shall be located throughout the Town Center Core in selected areas along grid-block streets, service lanes, and sidewalks and within pedestrian oriented spaces and pedestrian oriented corridors.
- B. The dumpsters shall be screened from view by use of fences, plant materials, or other appropriate screening measures.
- C. Refuse and recycling collection shall be the responsibility of the owner, and must comply with all applicable Township Ordinances.

31. Signage:

- A. Directional signage utilized throughout the Town Center Core and upon access roads to the Town Center Core shall be designed to provide a unified appearance to the Town Center Core.
- B. Street name signs shall be designed for uniformity throughout the Town Center Core and shall complement the aesthetics and ambiance of the streetscape.
- C. If traffic signals are used within the Town Center Core, traffic signal poles and extensions shall be designed to complement the aesthetics and ambiance of the streetscape and provide a more unified appearance throughout the Town Center Core. Traffic signal poles may be used for vertical pole mounted banners as long as sight distance is not obscured. Traffic signals may be coordinated with a closed loop system where utilized.
- D. Traffic control signage such as stop signs and yield signs, amongst others, shall be generally accepted universal signage.
- E. Pylon signs and billboards are specifically prohibited in the Town Center Core; however, one monument identification / gateway sign for each entrance to the Town Center Core, up to a maximum of two (2) signs is permitted provided that such monument sign is constructed of architecturally compatible materials and design with the Town Center Core and does not advertise any of the specific businesses within the Town Center Core. Such sign shall not exceed a maximum permitted height of twenty-five (25) feet and shall comprise no more than one-hundred twenty square feet.
- F. Signs for individual uses within the Town Center Core shall only include flat wall signs or wall projecting signs in accordance with the following standards:

Individual Use Signs within the Town Center Core		
Standard	Flat Wall Sign	Wall Projecting Sign
Maximum Number	A use may have one flat wall sign per each façade adjoining a street and/or a pedestrian oriented space.	A use may have one wall projecting sign per each façade adjoining a street and/or a pedestrian oriented space.
Maximum permitted size	64 square feet, plus 1 square foot per each lineal foot of storefront façade up to a maximum of 200 square feet	6 square feet
Maximum/Minimum permitted height	Height of wall / roof to which sign is attached	Height of wall / roof to which sign is attached provided that signs atop lighted marquees shall not exceed 65 feet. Sign must be installed no less than eight feet (8') feet above grade.
Maximum permitted projection	24 inches	20 feet provided no sign shall project over an adjoining street

- G. Illuminated marquees (including reader boards) may be provided for the Town Center Core land uses in which use of such an architectural feature is determined appropriate for the intended use such as movie theaters and theaters for the performing arts.
- H. Signage attached and integrated within one (1) free-standing structure such as a bell tower, tower, turret, spire or other structure and visually reflective of the design of the Town Center Core and constructed of architecturally compatible materials and design shall be permitted. Such free-standing structure and signage may be visible to highways and roads in the vicinity of the E Zone and the Town Center Core, provided such structure is located within the confines of the E Zone boundaries. Such structure may be located on or within an easement or license area owned by developer or others, and an easement, right-of-way, license or similar agreement, acceptable to the Township Solicitor, shall be provided to permit the placement, operation, repair and replacement of said free-standing structure and signage. It shall not be necessary to create or subdivide a lot of record for the placement, erection and operation of this free-standing structure and sign, which is expressly permitted as an accessory use on any lot within the E Zone, subject to all other provisions of this subsection. This free-standing structure and signage may be located "off premises" from the Town Center Core use, i.e., it is not necessary that such structure and signage be located within the deed description for the Town Center Core or any lot thereof, subject to the provisions of this Section. Such sign shall be subject to a maximum height limitation of sixty-five (65) feet and shall not be constructed as a pylon sign. The total area of such sign shall not exceed three hundred (300) square feet. Except for logos or design elements, the signage shall be entirely contained within the perimeter of the structure."

32. Lighting:

- A. Lighting fixture style and intensity for the various means of illumination, poles, bollards, signage, landscape lighting, and façade lighting, shall complement the architectural style, aesthetics, and desired ambiance envisioned for the Town

Center Core. Lighting shall be in accord with Section 310 of the Zoning Ordinance, except as otherwise stated herein.

- B. Town Center Core grid-block streets and service lanes shall have pedestrian scale ornamental street lights at a height not to exceed fifteen (15) feet.
 - C. Off-street parking areas may contain light standards to a maximum height of forty (40) feet.
 - D. Off-street parking lot lighting should be reduced to a specified security level (generally turning off three-fourths of the lights) not later than one (1) hour after the last business closes each night.
 - E. A maximum lighting intensity of ten (10) footcandles shall apply to entryways to the Town Center Core.
33. Shopping Carts and Motorized Carts
- A. Except as otherwise expressly permitted in this Section, the use of shopping carts shall be prohibited.
 - B. The dispensing of motorized carts for the handicapped and the elderly is permitted.

483.P. PEDESTRIAN ORIENTED SPACE AND FOCAL POINT REQUIREMENTS

- 1. The Town Center Core shall be provided with an identity and a focal point created by a series of pedestrian oriented spaces set amidst a town streetscape that together creates a sense of place. The focal point of the Town Center Core shall be located and designed in such a manner that it may serve as a means of orientation through ready customer identification. It may be an architectural feature or structure in and of itself and shall be commensurate in size and scope to the overall scale of the Town Center Core and shall be compatible to streetscape pedestrian oriented spaces. The following considerations shall be applicable:
- 2. The architectural feature or structure shall not exceed a maximum height of eighty (80) feet. Additional height to this structure may be considered by the Board of Supervisors for reasons of design, architectural compatibility, and/or regional identification as a Town Center Core. Pylon signs and billboards are specifically prohibited from the Town Center Core.
- 3. Pedestrian oriented space throughout the entire Town Center Core shall be comprised of an area equal to not less than three (3) percent of the gross floor area of the Town Center Core development. Pedestrian oriented space shall be designed as follows:
 - A. Pedestrian oriented spaces shall be designed as gathering places with various pavement surfaces, trees, landscape planting areas, benches, and other pedestrian amenities.
 - B. Pedestrian oriented space square footage shall be provided within a series of outdoor spaces. A pedestrian oriented corridor may be utilized to accommodate up to sixty percent (60%) of the required pedestrian oriented space square footage. A combination of a pedestrian oriented corridor and several pedestrian oriented spaces is strongly encouraged.

- C. Forty (40) percent of all pedestrian oriented spaces shall be bound by buildings on two (2) sides of the pedestrian oriented space to create a sense of enclosure. The pedestrian oriented space shall front upon the grid-block street and may have access from the service lanes in addition to access from the grid-block street.
- D. Up to thirty percent (30%) of the pedestrian oriented corridor may front on to a service lane or off-street parking area.
- E. The pedestrian oriented space shall be located, designed, and furnished per owner. Provision of a site amenity or site feature within the pedestrian oriented space or pedestrian oriented corridor is required such as a fountain, sculpture, or outdoor entertainment venue. This site amenity shall emerge as an integral part of this pedestrian oriented space. Comparable provisions within other outdoor areas such as plazas, promenades, cafés, restaurants, clubs, etc., are encouraged. Such provisions shall be of a size and scope commensurate to the scale of the pedestrian oriented space and shall be compatible to the intended use of the space as determined by the owner.
- F. The Town Center Core master plan shall provide for no less than fifteen percent (15%) of pedestrian oriented space square footage to be used for outdoor café seating and/or merchandise and vendor carts used to sell handicrafts, flowers, snacks and beverages.
- G. Banners, benches, chairs, umbrellas, and canopies shall be provided throughout the pedestrian oriented spaces. Similar aesthetic treatments shall be provided throughout all other outdoor spaces, along the grid-block street, and along the pedestrian sidewalks fronting upon the service lanes.
- H. The use of kiosks, planters, hanging baskets, decorative walls, water features, overhead canopies, pergolas, or similar amenity is encouraged throughout the pedestrian oriented spaces.
- I. Pedestrian oriented spaces and pedestrian oriented corridors (excluding sidewalks) shall be planted with a minimum of one (1) tree with a minimum caliper of two and one-half inches (2 1/2") measured six (6) inches above the root ball for every 2,000 square feet of pedestrian oriented space or pedestrian oriented corridor. Trees within pedestrian oriented spaces may be planted at grade of sidewalk, within landscape planting areas, and/or within above ground planters per owner.
- J. Outdoor display of merchandise for sale within pedestrian oriented spaces or pedestrian oriented corridors with kiosks or market carts is permitted.
- K. Outdoor storage is prohibited except when such storage coincides with actual sales display as part of the outdoor market.

483.Q. LANDSCAPING REQUIREMENTS

- 1. Landscaping and plant materials are fundamental to the creation of an aesthetic and appealing Town Center Core. Site amenities such as street trees, street lights, benches, and other site amenities compatible with a town street are required within all pedestrian oriented spaces and along all grid-block streets, service lanes, and access roads. Landscaping shall be arranged to provide visual interest, define outdoor pedestrian

oriented spaces, complement the proposed architectural style, and achieve other functional and aesthetic elements within the Town Center Core.

2. Off-street parking areas shall be designed and landscaped in accord with regulations contained within Section 314.U. of this Ordinance.
3. A twenty-five foot (25') foot wide landscape strip shall be provided along Town Center Core peripheral boundaries as measured from the street right-of-way line in those circumstances that the Town Center Core abuts upon a public or private street, or as measured from the side and rear property line when neither the side nor the rear Town Center Core boundary line coincides with a public or private street external to the Town Center Core boundary. Such landscape strip shall comply with the applicable requirements of Section 321 of this Ordinance.
4. Trees planted within a paved sidewalk area or paved pedestrian oriented space shall be provided with a tree grate and tree guard or within a raised planter (four (4) inch minimum height to edge of raised planter).
5. Trees planted within a paved sidewalk area or paved pedestrian oriented space shall be fitted with a minimum of one (1) duplex electrical outlet or such other power supply as the Township may approve.
6. Planters and hanging baskets:
 - A. Planters and hanging baskets shall be utilized throughout the Town Center Core per the owner.
 - B. Planters shall be placed in all pedestrian oriented spaces, pedestrian oriented corridors, and entrance ways to buildings as well as locations along the grid-block streets and service lanes of the Town Center Core as determined by owner.
7. Town Center Core street tree requirements for grid-block streets and service lanes:
 - A. Street trees shall be provided along all grid-block streets and service lanes of the Town Center Core and shall be planted fifty (50) foot on center along both sides of the cartway. The developer of the Town Center Core may site up to twenty (20) percent of required grid-block street and service lane street trees within adjoining pedestrian oriented spaces or pedestrian oriented corridors. Inclusion of these trees within the pedestrian oriented spaces shall be credited against the number of trees required in each pedestrian oriented space provided the caliper of such trees is increased one inch (1").
 - B. Street trees on grid-block streets and service lanes may be planted at grade of sidewalk, within landscape planting areas, landscape islands, and/or within above ground planters.
 - C. Street trees shall be planted in accordance with Section 483.Q.9. of this Ordinance.
8. Access road street trees:

- A. Street trees shall be provided along all access roads of the Town Center Core. Street trees shall be provided fifty (50) foot on center. Street trees shall be provided on both sides of all existing and proposed access roads.
 - B. Tree grates and tree guards shall not be required for street trees planted along access roads of the Town Center Core if location of those street trees is within a grass strip between the sidewalk and curb or within a grass area.
9. Street tree specifications:
- A. All street trees shall have a minimum of a seven (7) foot single straight stem to the first lateral branches above grade. Trees shall be symmetrical, free of insects, pests, and disease. Trees shall be of nursery stock quality, grown under the same climatic conditions as at the location of their proposed planting.
 - B. Street trees shall have a minimum two and one-half inch (2 1/2") caliper as measured six (6) inches above the root ball.
10. All landscape materials shall be in compliance with Section 321.E. of this Ordinance.

483.R. OFF-STREET PARKING REQUIREMENTS

- 1. Off-street parking shall be located on the periphery of the Town Center Core and shall be designed to comply with Section 314 of this Ordinance unless otherwise superseded by requirements of this Section 483.
- 2. If above-grade parking is provided then its facade shall complement the architectural style and treatment of buildings within the Town Center Core and streetscape. Use of the structure as a parking garage should be indiscernible from the exterior of the structure, notwithstanding the use of appropriate entrances/exits and signage acknowledging its use.
- 3. All at-grade off-street parking areas shall be setback a minimum of thirty (30) feet from all Town Center Core boundaries. Above-grade parking garages shall be setback at least seventy-five feet (75') from all Town Center Core boundaries.
- 4. Parking shall be provided at a minimum of 4.5 parking spaces per 1,000 square feet of gross floor area. Fifty percent (50%) of all parking spaces shall provide a minimum parking area that measures ten (10) feet by twenty (20) feet in size regardless of the angle of parking. Neither aisle width nor street width shall be utilized as part of the minimum parking space size. Fifty percent (50%) of all parking spaces may be nine (9) feet by eighteen (18) feet in size. The ten (10) by twenty (20) feet parking spaces shall be located in close proximity to buildings of the Town Center Core with the nine (9) by eighteen (18) feet parking spaces located in the farthest areas of the off-street parking areas. Parking spaces measuring nine (9) by eighteen (18) feet are not permitted on grid-block streets and service lanes.
- 5. All off-street parking areas with fifty (50) or more parking spaces shall be designed to include pedestrian sidewalks to the interior of the parking lot. Sidewalks shall extend from the sidewalk adjoining the Town Center Core to the furthest location within the parking area. A crosswalk shall be provided across the service lane to connect pedestrian sidewalks.

483.S. LOADING/SERVICE AREA REQUIREMENTS

1. Inconspicuous service areas shall be designed and located. This shall be provided through inconspicuous entrances and/or gate controlled access to service corridors, architecturally screened delivery docks, architectural enhancement to façade areas visible from either the streetscape side or off-street parking areas, and landscaping. Refuse dumpsters, utilities, and maintenance provisions shall be located within designated service corridors wherever possible.
2. Determination on amount and location of loading and service areas shall be per desires of the owner.
3. All loading and service areas shall be screened from adjoining roads and properties in accordance with Section 321.D. of this Ordinance.

Section 484 Truck or Motor Freight Terminals

- 484.A. Within the I Zone, truck or motor freight terminals are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 484.B. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.
- 484.C. The applicant shall furnish a traffic impact study meeting the requirements of the SALDO;
- 484.D. The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along and vehicular access onto an arterial and/or collector road as listed in Section 320 of this Ordinance;
- 484.E. The subject property shall be located no closer than five hundred feet (500') from any OSR, R-1, R-2, R-3 and AQC Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 484.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;

- 484.G. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 484.H. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 484.I. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 484.J. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 484.K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 484.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 312 of this Ordinance;
- 484.M. The applicant shall demonstrate compliance with Section 310 of this Ordinance; and,
- 484.N. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted; and,
- 484.O. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 485 Truck Stops

- 485.A. Within the I Zone, truck stops are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 485.B. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. - Terminals not in compliance with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. -Upon approval of conditional use terminal owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the property and at a distance of 75 feet from the terminal building.
- 485.C. The applicant shall furnish a traffic impact study meeting the requirements of the SALDO;
- 485.D. The subject property shall have a minimum of three hundred feet (300') of contiguous road frontage along an arterial and/or collector road as listed in Section 320 of this Ordinance;

- 485.E. The subject property shall be located no closer than five hundred feet (500') from any OSR, R-1, R-2, R-3 and AQC Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 485.F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 485.G. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 485.H. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop according to the schedule contained within Section 314.V. of this Ordinance. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 485.I. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 485.J. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 485.K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 485.L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 312 of this Ordinance;
- 485.M. The applicant shall demonstrate compliance with Section 310 of this Ordinance; and,
- 485.N. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- 485.O. A working plan for the cleanup of litter shall be furnished and implemented by the applicant and,
- 485.P. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 486 Two-Family Conversions

- 486.A. Within the R-3 Zone, a detached single-family dwelling that existed on the effective date of this Ordinance, and contained (at that time) at least three thousand (3,000) square feet, may be converted by right into two (2) dwelling units, subject to the following:
- 486.B. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
- 486.C. No extensions or modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- 486.D. All floors above and/or below grade shall have direct means of escape to ground level;

486.E. Four (4) off-street parking spaces shall be provided; however, such uses may share the same driveway provided that vehicles entering and/or exiting the property are unimpeded by a parking space; and,

486.F. The applicant shall obtain any required land development approvals.

Section 487 Veterinary Offices, Animal Hospitals and Kennels

487.A. Within the C and VC Zones veterinary offices and kennels are permitted by right, and within the A Zone animal hospitals and veterinary offices are permitted by right, subject to the following criteria:

487.B. No outdoor keeping or running of animals is permitted within the C Zone;

487.C. The applicant shall furnish evidence of an effective means of animal waste collection and disposal which shall be continuously implemented; and,

487.D. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death

Section 488 Warehousing and Wholesale Trade Establishments

488.A. Within the I Zone, warehousing and wholesale trade establishments are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:

488.B. The applicant shall provide a detailed description of the proposed use in each of the following topics:

1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period 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 State and Federal regulations;
2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Articles 3 and 5 of this Ordinance; and,
4. A traffic impact study meeting the requirements of the SALDO.

488.C. The applicant shall be required to submit qualified expert evidence of the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards. Test data must be furnished by applicant addressing Particulate Matter 2.5 (total weight of particles in the air that are less than 2.5 microns in size) levels taken within 30 days of application by a certified independent air testing firm during peak use periods of the day. Warehouses not in compliance

with National Ambient Air Quality Standard (NAASQS) for PM 2.5, as established by EPA (15 micrograms per cubic meter averaged over an entire year and up to 66 micrograms for one 24 hour period), will furnish the Board of Supervisors a plan within 60 days for reducing PM 2 emissions to acceptable levels. Upon approval of that plan, the terminal will have 90 days to provide evidence that satisfactory PM 2 levels have been reached or it will be found in violation of this Ordinance. Upon approval of conditional use, warehouse owners must provide PM 2.5 data on a quarterly basis as sampled by a certified independent air testing firm during peak use periods of the day at locations every 200 feet around the perimeter of the warehouse and at a distance of 75 feet from the warehouse building.

- 488.D. Any warehouse where four or more diesel operated trucks periodically congregate will have in place an anti-idling policy, with a maximum idling time per truck of 10 minutes.
- 488.E. The use shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded / unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road; and,
- 488.F. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads as listed in Section 320 of this Ordinance.
- 488.G. The subject property shall be located no closer than five hundred feet (500') from any OSR, R-1, R-2, R-3 and AQC Zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- 488.H. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line. Unless the fuel pump islands are set back two hundred feet (200') from the street line, they shall be designed so that, when fueling, trucks must be parallel to street;
- 488.I. Access driveways shall be a minimum of twenty-eight feet (28'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- 488.J. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;
- 488.K. All vehicle service and/or repair activities shall be conducted within a completely- enclosed building. Outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties;
- 488.L. The outdoor storage of unlicensed and/or un-inspected vehicles is prohibited;
- 488.M. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within thirty (30) days after arrival;
- 488.N. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system and any other use of the property will not violate Section 312 of this Ordinance;
- 488.O. The applicant shall demonstrate compliance with Section 310 of this Ordinance;
- 488.P. The parking, storage, and/or loading of vehicles associated with the use shall be confined to the subject property; no satellite parking, storage, and/or loading lots shall be permitted; and,

488.Q. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 489 Wind Farms

489.A. Within the SMC Zone, wind farms (as defined herein) are permitted by special exception, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:

489.B. The applicant shall prepare and submit a narrative and mapping describing the proposed wind farm, including:

1. an overview of the project;
2. the project location;
3. the approximate generating capacity of the wind farm;
4. the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers; and,
5. a description of accessory facilities.
6. an affidavit or similar evidence of agreement between the property owner(s) and the applicant demonstrating that the applicant has the permission of the property owner(s) to apply for necessary permits for construction and operation of the wind farm.
7. a listing and map of the properties on which the proposed wind farm will be located, and the properties adjacent to where the wind farm will be located.
8. a site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind farm to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

489.C. The applicant shall demonstrate with credible expert evidence that:

1. to the extent applicable, the wind farm shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142;
2. the design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations;
3. each of the proposed wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection;

4. all electrical components of the wind farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards;
5. wind turbines shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine;
6. wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety;
7. wind turbines shall not display advertising, other than an incidental insignia of the turbine manufacturer;
8. on-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
9. a clearly visible warning sign concerning voltage must be placed at the base of all at-grade transformers and substations.
10. visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of each guy wire and along each guy wire up to a height of ten feet from the ground. The applicant shall also submit a working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape;
11. wind turbines shall be designed and constructed to be non-climbable up to fifteen (15) feet above ground surface.
12. all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
13. wind turbines shall be set back from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the principal building.
14. wind turbines shall be set back from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the adjoining property line.
15. wind turbines shall be set back from the right-of-way of any street a distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the street right-of-way.
16. The applicant shall be responsible for the prompt repair and maintenance of all roads used to transport equipment and parts for construction, operation or maintenance of the wind farm. The applicant shall prepare an engineering report that documents road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. Such reports shall be reviewed by the Township engineer; any discrepancies shall be mediated by a third engineer selected by mutual acceptance by the applicant's and Township's engineers. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and the Township may bond the road in compliance with state regulations.

17. The applicant shall provide a copy of the project summary and site plan as required in Section 489.B. to the Township Emergency Management Coordinator. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind farm acceptable to the Township Emergency Management Coordinator prior to the issuance of a zoning permit for the proposed use.
- 489.D. Audible sound from a wind farm shall not exceed fifty (55) dBA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind farm shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind turbine Generation Systems Volume I: First Tier*.
1. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the nearest principal building of a property owner who has agreed to locate the proposed wind farm upon his/her property;
 2. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater from the adjoining property line of property owner who has not agreed to locate the proposed wind farm upon his/her property; and,
 3. A distance of not less than fifty (50) feet or 1.1 times the wind turbine height, whichever is greater, from the right-of-way of any street.
- 489.E. The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television or similar signals. The applicant shall mitigate any such harm caused by the wind farm on any adjoining property whose owner has not agreed to locate the proposed wind farm upon his/her property.
- 489.F. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate. Certificates of insurance coverage shall be made available to the Township each year that the wind farm operates.
- 489.G. The applicant shall be responsible for the decommissioning of the wind farm in accordance with the following requirements:
1. The applicant shall, at his/her expense, complete decommissioning of the wind farm, or individual wind turbines, within (12) twelve months after the end of the useful life of the wind farm or individual wind turbines. The wind farm or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter at the applicant's and/or any successor's expense.

5. The applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than twenty five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the applicant fails to complete decommissioning within the period prescribed by Section 489.G.1., of this Ordinance, then the landowner shall have six (6) months to complete decommissioning.
8. If neither the applicant, nor the landowner complete decommissioning within the periods prescribed by Sections 489.G.1., and 489.G.7. of this Ordinance, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township in accordance with Section 489.B.6. of this Ordinance shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the decommissioning funds when the applicant has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

Section 490 Retail Sale of Personal Motor Vehicles and Recreational Vehicles, as defined herein, (including service or repair facilities as an accessory use, and if conducted within a completely enclosed building)

- 490.A. Within the C Zone, the retail sale of personal motor vehicles and recreational vehicles, as defined herein, (including service or repair facilities as an accessory use, and if conducted within a completely enclosed building) are permitted by special exception provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. and specifically as follows:
- 490.B. The subject property must front upon and have direct vehicular access to a collector or arterial road as listed in Section 320 of this Ordinance.
- 490.C. The applicant shall be required to submit an expert-prepared on-site circulation plan prepared by a professional traffic engineer certified by the Commonwealth of Pennsylvania. Such circulation plan must fully describe the location and manner in which vehicles for sale arrive, are registered, are stored, are displayed, are readied for sale, are stacked for sale, are sold, are road tested, are stored post-sale and then depart the site. It is incumbent upon the applicant to demonstrate that the proposed circulation pattern can be operated safely and will not interfere with the on-site circulation and parking of customers and employees or the flow of traffic on adjoining streets. Such plan shall

clearly delineate exterior areas of the site that are to be used solely for the storage of vehicles as opposed to display and sales areas and required off-street parking spaces.

- 490.D. Exterior areas used solely for the storage of vehicles shall be connected to other areas of the site and the adjoining street via one or more access drives in accordance Section 301 of this Ordinance.
- 490.E. Exterior areas used solely for the storage of vehicles shall comply with the off-street parking design requirements of Section 314 of the Zoning Ordinance, except that such areas:
1. may be arranged with blocks of horizontally-stacked vehicles/equipment that do not provide for the independent movement of each vehicle. No vehicle shall be located more than one hundred feet (100') from an on-site interior drive. Such interior drives must be a minimum of eighteen (18) feet wide, unless greater width is required under Section 314.I. of the Zoning Ordinance;
 2. may employ vertical stacking of vehicles. Vehicles stacked vertically shall either be located within an enclosed structure or be located at least one hundred feet (100') from the closest property line. Vertical stacking shall not exceed thirty-five feet (35');
 3. need not be paved, but must have an all-weather and dust-free surface;
 4. shall be completely enclosed by a six foot (6') high fence, which shall be subject to the C Zone's setback requirements imposed upon off-street parking lots;
 5. shall be lighted to provide an average of minimum one (1) foot candle level of illumination at an elevation of three (3) feet above grade for the detection of suspicious movement. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads; and,
 6. need not comply with the interior landscaping requirements, but must be screened from adjoining roads and properties.
- 490.F. Exterior areas used for the display and sales of vehicles shall comply with the off-street parking design requirements of Section 314 of the Zoning Ordinance.
- 490.G. Areas to be used by employees or customers after dusk, shall be lighted to provide an average of minimum two (2) foot candles level of illumination at an elevation of three (3) feet above grade for the safe movement of vehicles and pedestrians. All such lighting shall be arranged as to reflect the light away from adjoining properties and roads.
- 490.H. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Section 312 of this Ordinance.
- 490.I. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided amid any exterior sales and/or display area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.
- 490.J. The proposed use must be connected to public utilities and all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No "porta-potties" are permitted.
- 490.K. The subject property may contain facilities for the service, repair and reconditioning of vehicles provided:

1. All service, repair and reconditioning uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads and such stacking lanes will be fully integrated within the site's on-site circulation plan as required in Section 490.C. of this Ordinance;
 2. All service, repair and/or reconditioning activities shall be conducted within a completely enclosed building;
 3. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new, used or discarded, as part of the service, repair and/or reconditioning operation, shall be permitted; and,
 4. The demolition and/or junking of vehicles is prohibited. No vehicle shall remain on the site for more than one (1) year.
- 490.L. The applicant shall furnish evidence that the disposal of all materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 491 Outdoor Furnaces

- 491.A. Outdoor furnaces which utilize any fuel or combustible material other than natural gas, propane, kerosene, domestic heating oil or electricity are prohibited and banned in all Zoning Districts within the Township. Within the SMC, A, OSR and R-1 Zones, outdoor furnaces which utilize natural gas, propane, kerosene, domestic heating oil or electricity are permitted by right (except as noted in Section 491.H. of this Ordinance) subject to the following criteria:
- 491.B. No outdoor furnace shall be located upon a property that has a minimum lot area of less than one (1) acre.
- 491.C. No more than one (1) outdoor furnace shall be permitted per dwelling unit.
- 491.D. No outdoor furnace shall be located within the front yard.
- 491.E. No outdoor furnace, shall be located within one-hundred feet (100') of any front, side or rear property line or the closest principal use located on the subject property.
- 491.F. No outdoor furnace shall be operated between May 1 and September 30 of each calendar year.
- 491.G. Except for limitations and requirements that may impose greater restriction as listed in this Section, the operation, location and fuels to be used within an outdoor furnace shall be limited to natural gas, propane, kerosene, domestic heating oil or electricity. A copy of the manufacturer's specifications shall be submitted to the Zoning Officer at the time of zoning permit application.
- 491.H. Should an applicant design and construct his/her own outdoor furnace without manufacturer specifications, the applicant shall be required to obtain a special exception and meet his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within this Section 491 and Section 804.C.2. of the Zoning Ordinance. In addition the applicant must present qualified expert evidence that his/her outdoor furnace is suitable and safe for the use of natural gas, propane, kerosene, electricity and/or domestic heating oil. Then, if approved, the fuels to be used within the outdoor furnace shall be limited to those that the Zoning Hearing Board determines can be safely consumed.

- 491.I. At all times a completely enclosed exhaust chimney from an outdoor furnace shall extend to its emissions release point at an elevation equal to no less than two (2) feet higher than the highest part the principal building that the unit serves. Notwithstanding the foregoing, in no event shall the exhaust chimney height for any outdoor furnace be less than the manufacturer's guidelines, or for outdoor furnaces that are designed and built without manufacturer specifications, the height as suggested by qualified expert evidence that will enable suitable and safe operation and emissions. Any exhaust chimney exceeding thirty-five feet in height shall comply with Section 309 of this Ordinance.
- 491.J. The design and use of an outdoor furnace must be such that no exterior surface of the outdoor furnace or its exposed above ground appurtenances shall at any time exceed a temperature of 120 degrees Fahrenheit.
- 491.K. All components used to convey between the outdoor furnace and the principal use building must be located within the outdoor furnace enclosure, buried underground and contained within the enclosed principal use building. No exposed conveyances shall be permitted between the outdoor furnace and the principal use building.
- 491.L. Any outdoor furnace that was legally existing as of the effective date of this Ordinance that does not comply with all applicable requirements of this Ordinance, shall be considered nonconforming. Any such outdoor furnace may continue for a period of up to twelve (12) months from the effective date of this Ordinance. After the twelve (12) month period, any such outdoor furnace shall be removed and or adapted so as to comply with all of the requirements of this Ordinance. Failure to remove and or adapt such outdoor furnace shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the nonconforming outdoor furnace during the twelve (12) month period shall not waive the requirements for elimination of the use or adaptation in compliance with all requirements of this Ordinance.

SECTION 492 POWER GENERATION FACILITIES

- 492.A. Within the I Zone, power generation facilities are permitted by conditional use, provided that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. and specifically as follows:
- 492.B. All power generation facilities that rely upon "municipal and residual wastes," as defined by the PA DEP, shall be operated by the Solid Waste Authority of Lehigh County;
- 492.C. Any processing and/or treatment of materials (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building;
- 492.D. No materials or waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any adjoining land within the OSR, R-1, R-2, R-3 and AQC Zones;
- 492.E. Any external area used for the unloading, transfer, storage, or deposition of material or waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by a minimum eight foot (8') high fence, with no openings greater than two inches (2") in any direction;
- 492.F. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;

- 492.G. The use shall be screened from all adjoining land within the OSR, R-1, R-2, R-3 and AQC Zones;
- 492.H. All uses shall provide sufficiently-long stacking lanes into the facility, so that waiting vehicles will not back-up onto public roads;
- 492.I. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels;
- 492.J. Access to the site shall be limited to those posted times when an attendant is on duty. All areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
- 492.K. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township;
- 492.L. The unloading, processing, treatment, transfer, and disposal of material/waste shall be continuously supervised by a qualified facility operator;
- 492.M. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building;
- 492.N. All storage of material or waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours;
- 492.O. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- 492.P. All structures shall be set back at least a distance equal to their height;
- 492.Q. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- 492.R. If the facility is to rely upon non-public sources of water, a water feasibility study shall be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. No use shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. A water feasibility study shall include the following minimum information:
1. calculations of the projected water needs;
 2. a geologic map of the area with a radius of at least one mile from the site;
 3. the location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells;

4. the location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site;
 5. the location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution;
 6. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table; and,
 8. a statement of the qualifications and the signature(s) of the person(s) preparing the study;
- 492.S. The applicant shall provide a traffic impact study meeting the requirements of the SALDO; and,
- 492.T. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste or materials during transport to and from the site, and potential hazards regarding firefighting of waste or materials upon the site.
- 492.U. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems (along with other site improvements) do not exceed the maximum permitted lot coverage requirements of the zone in which it is located.
- 492.V. Power generation systems may be erected as detached structures or attached to a building provided that the structural components of such systems comply with all applicable setbacks of the zone in which it is located.
- 492.W. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and/or road.
- 492.X. Above-ground power generation systems shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white or gray. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 492.Y. On-site transmission and power lines of a power generation system shall be placed underground.
- 492.Z. Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- 492.AA. The applicant shall provide written evidence that the proposed power generation systems shall comply with the noise standards listed in Section 312 of this Ordinance.
- 492.BB. The applicant shall ensure that no shadow flicker will impact adjoining properties.
- 492.CC. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternate energy production facility.
- 492.DD. The applicant shall provide written evidence from the Chief of the "first-due" fire company that the proposed use can be adequately protected and that, if necessary, a suitable emergency response plan has been implemented to serve the proposed use.
- 492.EE. The design of the power generation systems shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction

Code.

492.FF. The applicant shall submit a written plan for the removal of the power generation system once it is no longer operational in accordance with the following:

1. The applicant / owner shall, at its expense, complete decommissioning of the power generation system within (12) twelve months after the end of the useful life of the system. The system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.
2. The removal of the above-ground power generation system components shall be completed within twelve (12) months of decommissioning of the system. All disturbed earth shall be re-stored, graded and re-seeded unless a zoning permit has been issued for another use to take its place.
3. The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than twenty five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township.
4. An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the power generation system. All such inspection fees shall be paid by the landowner.
5. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by the Township.
6. If the applicant / owner fails to complete decommissioning during the prescribed period of twelve (12) months, the Township may take such measures as necessary to complete decommissioning in accordance with the laws of the Township and the Commonwealth of Pennsylvania.
7. The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the removal plan.

492.GG. The applicant shall, at all times, maintain on file with the Township Zoning Officer, the current name and contact information of the party responsible for the operation and maintenance of the power generation system.

Article 5

Environmental Protection

Section 500 Purpose

In accordance with sound community and site planning principles, this Article provides for requirements that are imposed upon proposed uses and activities that, because of their location, pose a threat to the environmental integrity of the Township and thereby threaten public welfare. The respective sections of this Article impose necessary restrictions to ensure environmental stewardship and require an applicant to engage a proper site planning process.

Section 501 Relationship to Other Sections of This Ordinance

- 501.A.** The provisions of this Article are designed to supplement the provisions contained elsewhere in this Ordinance. In those instances where design, application, review and/or performance criteria contained herein differ from those imposed elsewhere in this Ordinance, the most restrictive standard shall apply. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
- 501.B.** This Section shall expressly not prohibit land management practices which are intended to ecologically improve any wetland, woodland, stream, lake or pond, provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable regulatory entities.

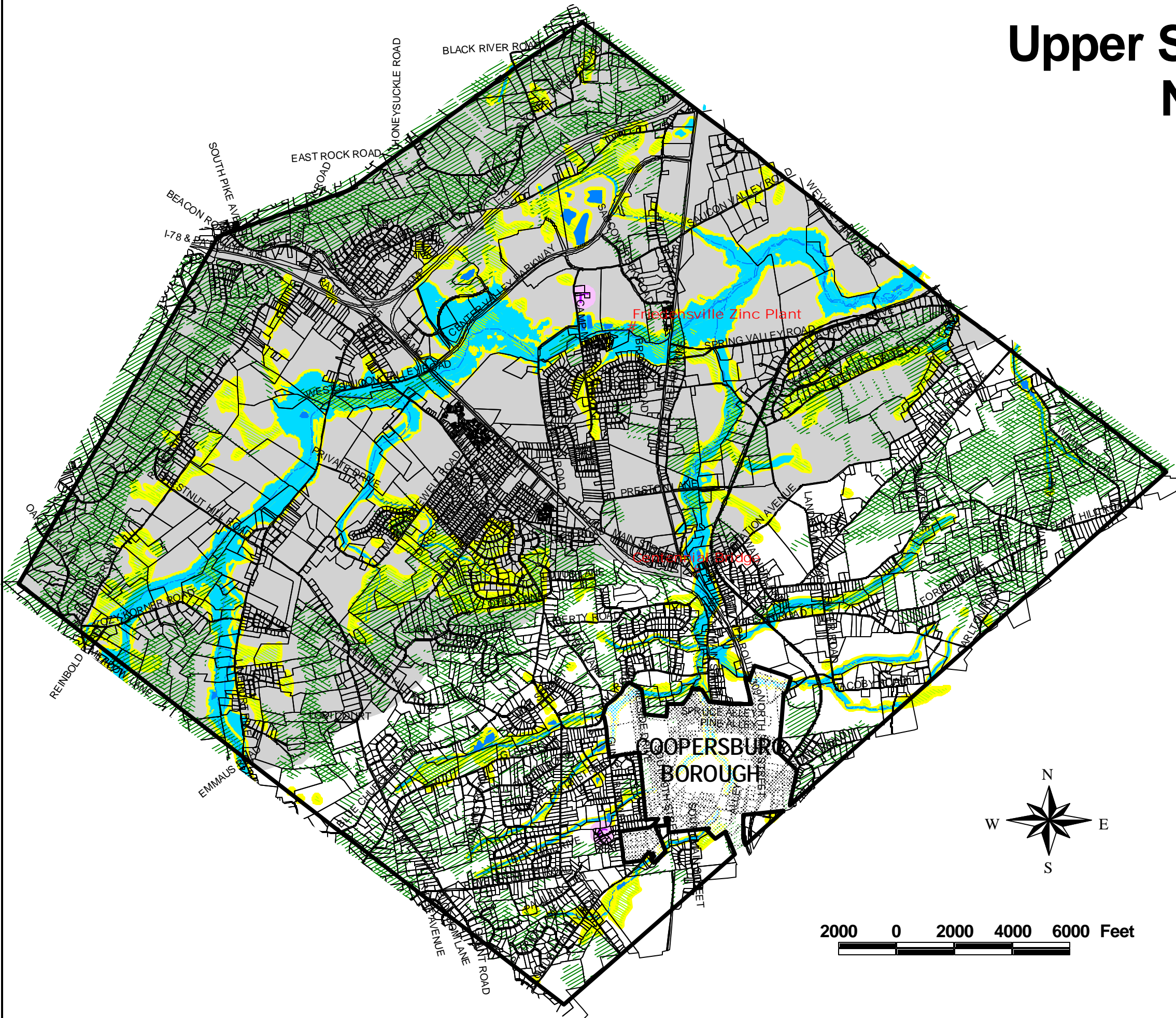
Section 502 Feature Identification Procedures

502.A. FEATURE IDENTIFICATION

All applications for zoning permits or subdivision and/or land developments shall be required to conduct an investigation that identifies all natural and cultural features located on the development site. Such investigation can include literary research, aerial photograph interpretation and on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the Upper Saucon Township Natural and Cultural Features Map which is hereby incorporated as part of this Ordinance. However, other known sources and inventories shall also be used as needed (e.g. soil surveys, GIS data, topographic maps, geologic maps and reports, well drilling reports, etc.) Such investigation shall be comprehensive, detailed and conducted using professional and generally-accepted practices by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature. However, it is noted that the extent to which such features must be inventoried, depicted and protected is related to the type of approval being requested as more fully explained in Sections 503.A. and 503.B. of this Ordinance. The following lists the required natural and cultural features to be identified on the Natural and Cultural Features Site Plan as required by the following Section 502.B. of this Ordinance:

1. The Floodplain Zone in accordance with Section 510.C. of this Ordinance;

Upper Saucon Township Natural & Cultural Features Map



- Floodplain Zone
- Riparian Buffers
- Wetlands & Buffers
- Steep Slopes
- PNDI-See note 3 below
- Carbonate Geology
- Woodlands
- Wellhead Protection Zone
- Historic Site

Note 1 - The information presented on this map is preliminary. Under Section 502 of the Upper Saucon Township Zoning Ordinance, applicants are required to conduct comprehensive studies to determine the extent and location of designated natural and cultural features that may modify those depicted upon this Map.

Note 2 - The information depicted on this map was obtained from the Lehigh Valley Planning Commission.

Note 3 - PNDI reources can be found at:
www.naturalheritage.state.pa.us/

Map Dated: 4/09



2. Riparian buffers in accordance with Section 511.C. of this Ordinance;
3. Wetlands and wetland buffers in accordance with Section 512.C. of this Ordinance;
4. Steep slopes in accordance with Section 513.C. of this Ordinance;
5. Pennsylvania Natural Diversity Inventory Sites (PNDI) in accordance with Section 514.C. of this Ordinance;
6. Carbonate geologic features in accordance with Section 515.C. of this Ordinance;
7. Woodlands, as necessary to demonstrate compliance with Sections 516 and 517 of this Ordinance;
8. Wellhead protection overlay zones in accordance with Section 518 of this Ordinance;
9. Historic structures as defined herein;
10. Areas of suspected archaeological significance in accordance with Section 520 of this Ordinance;
11. Individual soils as identified in the Soil Survey, as defined herein;
12. Surface water bodies (e.g. creeks, streams, springs, ponds and lakes);
13. Rock outcrops and other significant and/or scenic geologic features not already required under Section 515.C. of this Ordinance;
14. Areas subject to easement, covenant, deed restriction or any other legally-binding instrument that prevents partial or complete development or partial or complete disturbance of land area along with a description of such limitations; and,
15. Any other features necessary to demonstrate compliance with the requirements of this Ordinance.

502.B. PREPARATION OF NATURAL & CULTURAL FEATURES SITE PLAN & REPORT

Next, the applicant shall be required to prepare a detailed natural and cultural features site plan depicting the extent and location of the various natural and cultural features as regulated by this Article. Except as noted for accessory use zoning permit applications as described in Section 503.B., such natural and cultural features site plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SALDO. In addition, the applicant shall prepare a report that demonstrates compliance with all applicable requirements of this Article. Such natural and cultural features site plan and report shall be prepared by qualified personnel with demonstrated knowledge and expertise in the subject for each respective natural and/or cultural feature. The sources of all discovered natural and cultural features should be documented upon the natural and cultural features site plan and contained within the report as well as the qualifications of the preparer.

502.C. DISPUTES OVER THE PRESENCE/LOCATION OF NATURAL OR CULTURAL FEATURES

Should a dispute concerning the presence, extent and/or location of a particular natural or cultural feature arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804.E. of this Ordinance. In such instances, the burden of proof shall rest with the applicant.

Section 503 Review Procedures

503.A. REVIEW OF USES REQUIRING SUBDIVISION OR LAND DEVELOPMENT APPROVAL

For uses that require “subdivision” and/or “land development” (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the sketch/preliminary application requirements as listed in the SALDO. Such materials shall be

reviewed and approved by the Board of Supervisors, after review and recommendation by the Planning Commission and/or any other specified agent of the Township in accordance with the procedures contained within the SALDO. Should the Board of Supervisors determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the application shall be denied. As an alternative, the Board of Supervisors may approve the application with conditions imposed that directly overcome the application's deficiencies. Nothing within this Section shall be interpreted to supersede the requirement for individual lot grading plans as required by Section 513 of this Ordinance.

503.B. REVIEW OF USES REQUIRING ONLY ZONING PERMIT APPROVAL

For uses that do not require "subdivision" and/or "land development" (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the zoning permit application requirements as listed in Section 901 of this Ordinance. Applications for accessory uses merely need to present sufficient information to demonstrate that the proposed use in no way violates any of the regulations imposed on the respective natural and cultural features located on the subject property, subject to the Zoning Officer's right to require supplemental information. All such materials shall be reviewed and approved by the Zoning Officer, after review by any specified agent of the Township in accordance with the procedures contained within Section 901 of this Ordinance. Should the Zoning Officer determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the zoning permit application shall be denied.

Section 504 Resource Protection & Management Strategies

504.A. SUBMISSION OF REQUIRED MANAGEMENT REPORT

1. Depending upon the presence of those natural and cultural features contained upon the site, the applicant for uses that require "subdivision" and/or "land development," (this Section shall not apply to uses reviewed under Section 503.B. of this Ordinance) shall be required to submit a written Management Report detailing the specific actions being employed to protect and manage the respective features. Such Management Report shall be prepared under the responsible charge of a Pennsylvania-licensed professional and shall be signed and sealed by such professional for each respective natural and/or cultural feature and include the following minimum requirements.
 - A. Description of methods used to ensure the perpetual protection of those natural and cultural features contained on the site in accordance with the regulations of this Article 5.
 - B. Description of methods used to protect those vulnerable natural and cultural features from grading and construction activities during any proposed development or disturbance on the site.
 - C. Description of suitable long-term maintenance and management strategies of any required improvements, plantings, mitigating features and/or any other methods required under this Article 5.
 - D. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of this Article.

Section 510 Floodplain Zone

510.A. PURPOSE

It is hereby found that the streams, creeks and waterways of the Township are subject to recurring flooding, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the floodplain, and that the most appropriate method of alleviating such condition is through regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this , which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare. The intent of this Section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township.

510.B. SPECIFIC OBJECTIVES

1. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Township;
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding;
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood-prone areas and promoting safe and sanitary drainage;
4. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains;
5. To provide sufficient drainage courses to carry abnormal flows or storm water in periods of heavy precipitation;
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters;
7. To protect the entire Township from individual uses of land that may cause subsequent expenditures for public works and disaster relief thereby adversely affecting the economic well-being of the Township;
8. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas;
9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding;
10. To provide areas for the temporary natural storage of flood waters; and,

11. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the National Flood Insurance Program, P.L. 93-234.

510.C. DELINEATION OF LANDS WITHIN THE FLOODPLAIN ZONE

1. For purposes of reviewing requests for zoning permits and proposed subdivisions and/or land developments, areas contained within the Floodplain Zone shall include all of the following:
 - A. Those areas identified as “Floodway” (FW) within the AE Zone that are subject to inundation by the 100-year flood, as identified in the Flood Insurance Study (FIS) as prepared for the Township by the Federal Emergency Management Agency and/or its successors;
 - B. Those areas identified as “Flood-Fringe Area” (FF) outside of the floodway that are subject to inundation by the 100-year flood within the AE Zone, as identified in the Flood Insurance Study (FIS) as prepared for the Township by the Federal Emergency Management Agency and/or its successors;
 - C. Those areas identified as “Special Floodplain Area” (FE) within an AE Zone of the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no Floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - D. Those areas identified as “General Floodplain Area” (FA) Zone A of the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In the alternative, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.
 - E. Those areas that are subject to inundation by the 500-year flood, as identified in the Flood Insurance Study (FIS) as prepared for the Township by the Federal Emergency Management Agency and/or its successors
2. For purposes of reviewing requests for proposed subdivisions and/or land developments, where FEMA mapping does not depict any areas as subject to flooding as listed in the above Sections 510.1.A. through 510.1.E., the Township may require the applicant determine the elevation with hydrologic and hydraulic engineering techniques. Such study shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Township Engineer and the

Federal Emergency Management Agency, who shall have thirty (30) days to comment. Any property owner whose property is so studied shall pay all costs of these studies and surveys, except for work done under retainer to, or on behalf of, the Township.

3. For areas subject to flooding as identified under Section 510.C.2. of this Ordinance, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) and thereafter a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency at the applicant's expense.

510.D. BOUNDARY DISPUTES

1. Should a dispute concerning any boundary of the Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 804.F. of this Ordinance. The burden of proof in such an appeal shall be on the applicant and all hearings and procedures shall follow the requirements of Section 803 of this Ordinance;
2. All changes to the boundaries of the Floodplain Zone which affect areas identified in Sections 510.C.1.A., 510.C.1.B., 510.C.1.C. and 510.C.1.E. of this Ordinance are subject to the review and approval of the Federal Emergency Management Agency for compliance with the Rules and Regulations of the National Flood Insurance Program and PA Act 166, the PA Floodplain Management Act.

510.E. RELATIONSHIP TO OTHER SECTIONS

1. The provisions of this Section create an overlay Zone which is applicable within floodplains in all other Zones established by this Zoning Ordinance. To the extent the provisions of this Section are applicable and more restrictive, they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other ordinances of the Township. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.

510.F. PERMITTED USES

1. The following uses and development and no others (including customary accessory uses) are permitted in the Floodplain Zone, provided such uses in no way diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation:
 - A. Cultivation and harvesting crops according to recognized soil conservation practices;
 - B. Pasture and grazing of livestock (excluding feedlots) according to recognized soil conservation practices, and further provided that such livestock shall not be confined to pastures or other enclosures located entirely within the Floodplain Zone;
 - C. Outdoor plant nursery or orchard according to recognized soil conservation practices;
 - D. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding;
 - E. Game farms, fish hatchery, or hunting and fishing reserve, for the protection and propagation of wildlife, but permitting no structures;

- F. Forestry, lumbering and reforestation according to the requirements of Section 517 of this Ordinance;
- G. Front, side and rear yards and required lot area in any Zone, provided such yards are not to be used for on-site sewage disposal systems;
- H. Recreational use, whether open to the public or restricted to private use, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting flood-proof toilet facilities, but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any flood-proof toilet facilities provided shall be connected to public water and sewerage systems;
- I. Riparian buffers as regulated by Section 511 of this Ordinance.

510.G. SPECIAL EXCEPTION USES

- 1. The following uses and development and no others are permitted by special exception in the Floodplain Zone, provided such uses in no way diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation, and such uses comply with the specific requirements of Section 510.K. of this Ordinance:
 - A. Except for those uses owned and operated by the Township, sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Zone;
 - B. Dams, culverts, bridges, and altered or relocated watercourses with permits and/or approvals from the PA Department of Environmental Protection, PA Public Utility Commission, and/or US Army Corps of Engineers. Furthermore, notification of such actions shall be provided to all affected adjoining municipalities, the Federal Emergency Management Agency and the PA Department of Community Economic Development. The approval of a permit by any of the preceding State or Federal agencies for one of the uses allowed by in this Section shall in no way affect or conflict with the requirements imposed upon the use under the regulations of this Floodplain Zone; and,
 - C. Sanitary or storm sewers and impoundment basins, with the approval of the Pennsylvania Department of Environmental Protection.

510.H. PROHIBITED USES

- 1. The following uses are prohibited within the Floodplain Zone and no variance shall be granted for any of these uses or activities to locate in Floodplain Zones.
 - A. All uses prohibited either expressly or implicitly in the underlying Zone for the land in question.
 - B. All structures, with the exception of those specifically allowed in Sections 510.F. and 510.G. of this Ordinance
 - C. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.

- D. Placing, depositing, and dumping of any spoil, fill, or solid waste except such grading, filling or depositing necessary to accomplish and carry out the permitted uses, and uses by special exception in Sections 510.F. and 510.G. of this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
- E. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 510.F. and 510.G. of this Ordinance, and except such removal of topsoil as is necessary to accomplish and carry out the permitted uses and uses by special exception specified in Sections 510.F. and 510.G. of this Ordinance; provided, however, that no grading or filling is permitted which would cause any increase in flood heights or frequency.
- F. Damming or relocation of any watercourse, except as provided for in Section 510.G.1.B. of this Ordinance.
- G. Any parts of any on-site sewage disposal systems.
- H. Swimming pools.
- I. Stockpiling, storage, or disposal of materials used for snow and ice control, manure, buoyant materials, timber harvesting slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
- J. Manufactured home parks;
- K. Hospitals, nursing homes, schools and jails;
- L. Cemeteries for humans or animals.
- M. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
- N. The floodproofing of new residential structures, as an exception from the elevation requirement.
- O. Any development, structure, or use which may, whether alone or in combination with others:
 - 1. Endanger human life;
 - 2. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters;
 - 3. Increase the surface elevation of floods, or the frequency of floods;
 - 4. Catch or collect debris carried by floodwaters;
 - 5. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain Zone;
 - 6. Degrade the water carrying capacity of any watercourse, channel, or floodplain;
 - 7. Degrade the quality of surface water or the quality or quantity of ground water;

8. Be susceptible to flotation and subsequent movement which would cause damage to other property;
 9. Not be in harmony with the intent and purpose of this Section 510 of this Ordinance.
- P. Feedlots.
- Q. Fully enclosed space and partially enclosed space below the lowest floor.
- R. Manufactured homes.
- S. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. will be used for the production or storage of any of the following dangerous materials or substances; or,
 2. will be used for any activity requiring the maintenance of a supply of any of the following dangerous materials or substances on the premises; or,
 3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Petroleum products (gasoline, fuel oil, etc.)
 - m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulphur and sulphur products
 - q. Pesticides (including insecticides, fungicides, and rodenticides)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.
- T. Streets, access drives and driveways that are located below the regulatory flood elevation (as defined herein).

510.I. NONCONFORMING USES AND STRUCTURES IN THE FLOODPLAIN ZONE

1. Continuation - All uses, structures or development lawfully existing in the Floodplain Zone on the effective date of this Section which are not in conformity with the provisions of this

Ordinance shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as prohibited by Sections 510.I.2. and 510.I.4.B. of this Ordinance. However, such nonconforming uses or structures may at any time be improved to comply with existing State or Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions;

2. Abandonment - Nonconforming uses or structures which have been discontinued or vacated for twelve (12) consecutive months shall be presumed abandoned. Vacation of land or structures or the non-operative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner;
3. Expansion and Modification - A nonconforming use or structure shall not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards. Nothing shall be done which would otherwise violate any of the provisions of this Section. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other sections of this Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain Zone that was occupied by it on the effective date of this Ordinance;
4. Replacement and Rebuilding:
 - A. A nonconforming use or structure may be replaced, repaired or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new use or structure with respect to requirements as expressed in provisions of this Zoning Ordinance shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Section;
 1. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" (as defined herein) shall be undertaken only in full compliance with the provisions of this Ordinance.
 2. The requirements of 34 PA Code Chapter 401-405, as amended and the 2006 IRC (Sections R102.7.1., R105.3.1. and Appendices E and J) or the latest revision thereof and the 2006 IBC (Sections 101.3., 3403.1. and Appendix G) or the latest revisions thereof or any successor requirements shall also be utilized in conjunction with the provisions of this Section 510.I.4. of this Ordinance.
 - B. A nonconforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of fifty percent (50%) or more of its fair market value at the time of its damage or destruction shall not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with Section 510.J. and all other sections of this Zoning Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may waive as a special exception, the requirements of this

paragraph where it is shown that such requirements could not be met on land owned by the appellant or where such requirements would impose undue hardship to the appellant in the efficient operations of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Section, while respecting and maintaining the purpose and intent of this Section;

- C. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer may be made to the Zoning Hearing Board; and,
 - D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its fair market value, shall be elevated and/or floodproofed to the greatest extent possible.
5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of Sections 510.I.2. and 510.I.4.B. for any historic structure, as defined herein;
6. Special Requirements for Manufactured homes:
- A. Manufactured homes are prohibited in the Floodplain Zone, except as a continuation of a nonconforming use;
 - B. If any existing manufactured home shall be replaced, reconstructed, or expanded by addition thereto, then the manufactured home shall be:
 - 1. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and one (1) additional tie per side for units less than fifty feet (50') in length;
 - b. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty feet (50') or more in length, and four (4) additional ties per side for units less than fifty feet (50') in length; and,
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - 2. Elevated in accordance with the following requirements:
 - a. The manufactured home shall be elevated on a permanent foundation so that its lowest floor is one and one-half feet (1½') or more above the elevation of the one hundred (100) year flood;
 - b. Adequate surface drainage is provided; and,

- c. Adequate access for a hauler is provided.
- 3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for manufactured home parks.

510.J. ELEVATION AND CONSTRUCTION REQUIREMENTS

1. Applicability - The standards included in this Section are to be used, together with the provisions of all other sections and all other ordinances in force in the Township by the Zoning Officer and Zoning Hearing Board in their administration of this Section. In order to minimize damage to buildings and structures due to flooding conditions, the following provisions of this Section 510.J. shall apply to all proposed construction or development occurring in any of the Floodplain Zones:
2. Regulations and Reviews by Other Agencies:
 - A. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of special exceptions, variances, or permits may be granted by the Township;
 - B. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by the Township, any approval of special exceptions, variances, or permits by the Township shall be conditioned upon receiving such other agencies' permits or written approvals; and,
 - C. No regulations of the Commonwealth governing watercourses are amended or repealed by this Ordinance. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such permit applications and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development;
3. Residential Structures

Within any designated Floodplain Zone, the lowest floor (including basement) of any residential structure shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.
4. Non-Residential Structures:

Within any designated Floodplain Zone, the lowest floor (including basement) of any non-residential structure shall be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972).
5. Anchoring

- A. All buildings or structures shall be anchored to prevent flotation, movement or collapse in accordance with accepted engineering practices.
- B. All air ducts, large pipes and storage tanks located at or below the established flood elevation shall be firmly anchored to prevent flotation in accordance with accepted engineering practices.

6. Placement of Buildings and Structures

- A. All buildings and structures shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to the flow of water.
- B. The following shall not be placed or caused to be placed in identified flood-prone areas: fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

7. Floors, Walls and Ceilings

- A. Wood floorings used below an elevation of one (1) foot above the established flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- B. All finished flooring below an elevation of one (1) foot above the established flood elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
- C. All carpeting or carpet cushions employed as a finished flooring surface below an elevation of one (1) foot above the established flood elevation shall be made of materials which are resistant to water damage resulting from submersion.
- D. Plywood used below an elevation of one (1) foot above the established flood elevation shall be of an "exterior" or "marine" grade of water-resistant or water-proof variety.
- E. Basement ceilings, floors and walls below an elevation of one (1) foot above the established flood elevation shall have sufficient wet strength and be so installed as to survive inundation.

8. Electrical Systems

- A. All electrical water heaters, electric furnaces, and other critical electrical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.
- B. Electrical distribution panels shall be placed at least three (3) feet above the established one hundred (100) year flood elevation.
- C. Separate electrical circuits serving areas below the established flood elevation shall be dropped from above.

9. Plumbing

- A. Water heaters, furnaces, and other critical mechanical installations shall be prohibited below an elevation of one (1) foot above the established flood elevation.
- B. No part of any on-site sewage disposal system shall be allowed within the identified flood-prone area(s).
- C. Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.
- D. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

10. Paints and Adhesives

- A. Adhesives used below an elevation of one (1) foot above the established flood elevation shall have a bonding strength that is unaffected by inundation.
- B. Doors and all wood trim used below an elevation of one (1) foot above the established flood elevation shall be sealed with a waterproof paint or similar product.
- C. Paints or other finishes used below an elevation of one (1) foot above the established flood elevation shall be capable of surviving inundation.

11. Storage

No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life, shall be stored in a flood-prone area unless they are properly anchored and/or floodproofed to preclude their causing damage to life and property.

12. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in accordance with:

- A. Sound engineering practices;
- B. Requirements of the SALDO;
- C. Requirements of PA Act 167; and,
- D. All other applicable rules and regulations.

The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of unreasonable runoff onto adjacent properties.

13. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to

minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

14. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

15. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

16. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this Section 510 of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Section 510 of this Ordinance:

- A. International Building Code (IBC) 2006 or the latest version thereof or any successor regulations: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.; and,
- B. International Residential Code (IRC) 2006 or the latest edition thereof or any successor regulations: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

17. Fill - If fill is used, it shall:

- A. extend laterally at least fifteen (15) feet beyond the building line from all points;
- B. consist of soil or small rock materials only - Sanitary landfills shall not be permitted;
- C. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- D. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building/Development Permit Officer; and,
- E. be used to the extent to which it does not adversely affect the adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.

510.K. STANDARDS AND CRITERIA FOR SPECIAL EXCEPTIONS AND VARIANCES

- 1. In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to the provisions of this Section 510, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

- A. No special exception shall be granted for any use except those specifically permitted by Section 510.G. and 510.I. of this Ordinance.
- B. No special exception or variance shall be granted for any use, structure or development that would diminish the capacity of the channels or floodway of any stream, as defined herein, or raise the base flood elevation, unless specifically authorized by the Federal Emergency Management Agency;
- C. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights for the 100 and 500 year floods, or greater, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations;
- D. Variances shall only be granted upon the determination that the variances are the minimum necessary to afford relief, considering the flood hazard. The applicant must also comply with any other conditions imposed by the Zoning Hearing Board;
- E. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
 - 2. Such variance may increase the risk to life and property;
- F. In granting a special exception or variance, the Zoning Hearing Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood;
- G. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Zoning Hearing Board. The Zoning Hearing Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency; and,
- H. In hearing and deciding upon variances or special exceptions to this Section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist in arriving at a fair and impartial determination. Such information shall be signed, sealed and certified by a registered professional of the Commonwealth of Pennsylvania. Such certification shall acknowledge the accuracy of the information and the qualification of the individual to provide such information. In addition to that information required by Sections 510.K. and 901 of this Ordinance, such required information may include, but is not limited to, the following:
 - 1. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel;

2. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
 3. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information;
 4. A profile showing the slope of the bottom of the channel of flow line of the watercourse;
 5. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities;
 6. Evidence that all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344;
 7. Evidence that the proposed use is consistent with the need to minimize flood damage and conforms with the requirements of this and all other applicable codes and ordinances;
 8. Evidence that all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 9. Evidence that adequate drainage is provided so as to reduce exposure to flood hazards.
- I. In hearing and deciding upon special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:
1. the danger to life and property due to increased flood heights or velocities caused by encroachments;
 2. the danger that materials may be swept on to other lands or downstream to the injury of others;
 3. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 5. the importance of the services provided by the proposed facility to the community;

6. the requirements of the facility for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed use;
8. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. the relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
10. the safety of access to the property in times of flood of ordinary and emergency vehicles;
11. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
12. such other factors which are relevant to the purposes of this Ordinance.

J. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters such as the adequacy of hydrologic and hydraulic analyses being performed in accordance with standard engineering practices.

510.L. ABROGATION AND GREATER RESTRICTIONS

This ordinance supersedes any other conflicting provisions, which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

510.M. WARNING AND DISCLAIMER OF MUNICIPAL LIABILITY

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain Zone areas, or that land uses permitted within such areas, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section 511 Riparian Buffers

511.A. PURPOSE

The requirements of this Section help to create and/or restore wooded buffers along important watercourses and surface water bodies upon the Township's landscape. Specific measures will promote beneficial vegetation to reduce harmful erosion, absorb nutrients, reduce surface water

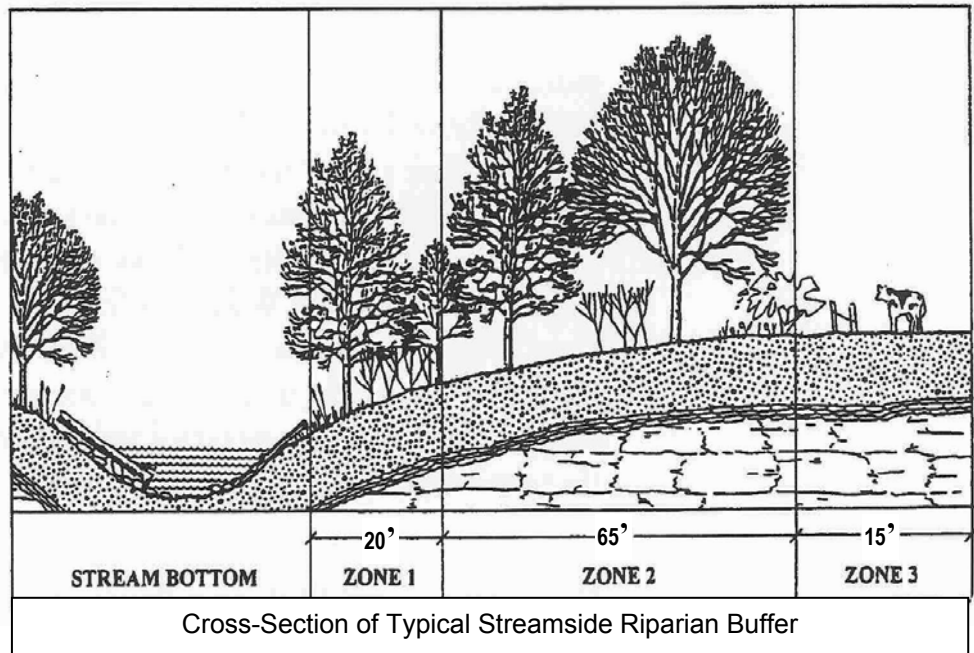
pollution, offer year-round nourishment and habitat for animal wildlife both within and adjoining the water feature, reduce surface water temperature, offer interconnected linear paths for habitat migration and close-to-home passive open spaces amid the developing landscape.

511.B. APPLICABILITY

Any application for subdivision and/or land development for property adjoining any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow shall provide a riparian buffer in accordance with the following standards or, in the alternative, as approved by the Lehigh County Conservation District (LCCD) with input from the Township. (It is noted that landowners are encouraged to review the manual entitled "A Guide for Establishing and Maintaining Riparian Forest Buffers" published by the Chesapeake Bay Program.

511.C. RIPARIAN BUFFER DELINEATION

1. The applicant shall clearly depict upon the natural and cultural features site plan the proposed riparian buffer as approved by the Lehigh County Conservation District (LCCD) along with written verification from the LCCD of their review and approval of the proposed riparian buffer design.
2. As an alternative the applicant shall clearly depict upon the natural and cultural features site plan the proposed riparian buffer comprised of the following three separate Zones:
 - A. Zone 1: The landward area located between the streambank edge under typical flow conditions, or the high water level for pond or lake shorelines and twenty (20'), as measured directly perpendicular from the streambank/shoreline edge.
 - B. Zone 2: The area beginning at the inland edge of the above-described Zone 1 and the largest combined width of all of the following:
 1. sixty-five feet (65'), as measured directly perpendicular from the streambank/shoreline edge;
 2. the 100-year floodplain;
 3. any adjoining identified wetlands; and/or,
 4. any adjoining area characterized by slopes exceeding twenty-five percent (25%).
 - C. Zone 3: The area beginning at the inland edge of the above-described Zone 2 and extending at least fifteen feet (15') inland therefrom. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required.



511.D. RIPARIAN BUFFER PLANTINGS

1. Each of the respective Zones of the riparian buffer shall include vegetation that already exists or will be planted and maintained by the applicant using native species as listed in Section 511.D.2. that satisfies the following design objectives. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies such objectives that shall include a graphic depiction of proposed plantings and a schedule of vegetative species:
 - A. Zone 1: This Zone must include large maturing canopy trees and a ground cover of native seasonal grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for this Zone must thrive in wet conditions;
 - B. Zone 2: This Zone must include large maturing canopy trees generally three rows deep with a natural undercover. New tree plantings shall be selected that are rapid growing to intercept passing nutrients. Such trees shall be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive understory plants shall be allowed to “evolve” with the canopy of this Zone; and,
 - C. Zone 3: This Zone shall be planted with warm season grasses that are allowed to mature naturally without mowing. The tall grasses shall be managed to produce uniform overland stormwater flows that do not “channel” into Zone 2. New grass plantings shall be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point such that they no longer effectively disperse the surface flow.
2. The following are approved vegetative materials for use within a riparian buffer:

SELECTIVE NATIVE BUFFER PLANTINGS LIST Source: Morris Arboretum of the University of Pennsylvania Botanic Name / Common Name	
FERNS <i>Osmunda cinnamomea</i> / Cinnamon fern <i>Osmunda claytoniana</i> / Interrupted fern <i>Onoclea sensibilis</i> / Sensitive fern GRASSES & SEDGES <i>Andropogon gerardii</i> / Big blue stem <i>Carex scoparia</i> / Broom sedge <i>Cyperus strigosus</i> / False nut sedge <i>Carex lurida</i> / Lurid sedge <i>Elymus riparius</i> / Riverbank wild rye <i>Carex vulpinoidea</i> / Sedge <i>Juncus effusus</i> / Soft rush <i>Panicum virgatum</i> / Switch grass <i>Carex stricta</i> / Tussock sedge <i>Elymus virginicus</i> / Virginia wild rye <i>Scirpus cyperinus</i> / Wool grass FLOWERING PERENNIALS <i>Penstemon digitalis</i> / Beard-tongue <i>Gentiana andrewsii</i> / Bottle gentian <i>Verbena hastata</i> / Blue vervain <i>Sisyrinchium angustifolium</i> / Blue-eyed grass <i>Eupatorium perfoliatum</i> / Boneset <i>Lobelia cardinalis</i> / Cardinal flower <i>Rudbeckia laciniata</i> / Cut-leaf coneflower <i>Veronia noveboracensis</i> / Ironweed <i>Arisaema triphyllum</i> / Jack-in-the-pulpit <i>Eupatorium fistulosum</i> / Joe-pye weed <i>Aster novae-angliae</i> / New England aster <i>Mitchella repens</i> / Partridgeberry <i>Aster puniceus</i> / Purple stemmed aster <i>Solidago gigantea</i> / Smooth goldenrod <i>Asclepias incarnate</i> / Swamp milkweed <i>Thalictrum pubescens</i> / Tall meadowrue <i>Verbesina alternifolia</i> / Wingstem <i>Geranium maculatum</i> / Wood geranium	SHRUBS <i>Sambucus Canadensis</i> / American elderberry <i>Viburnum dentatum</i> / Arrowwood <i>Aronia melanocarpa</i> / Black chokeberry <i>Cephalanthus occidentalis</i> / Buttonbush <i>Gaylussacia frondosa</i> / Dangleberry <i>Vaccinium corymbosum</i> / Highbush blueberry <i>Lyonia ligustrina</i> / Maleberry <i>Physocarpus opulifolius</i> / Ninebark <i>Viburnum recognitum</i> / Northern arrowwood <i>Salix discolor</i> / Pussy willow <i>Aronia arbutifolia</i> / Red chokeberry <i>Rhododendron maximum</i> / Rosebay <i>Cornus amomum</i> / Silky dogwood <i>Salix sericea</i> / Silky willow <i>Lindera benzoin</i> / Spice bush <i>Cornus racemosa</i> / Swamp dogwood <i>Rosa palustris</i> / Swamp rose <i>Ilex verticillata</i> / Winterberry holly <i>Hamamelis virginiana</i> / Witch-hazel TREES <i>Fagus grandifolia</i> / American beech <i>Tilia Americana</i> / Basswood <i>Fraxinus nigra</i> / Black ash <i>Nyssa sylvatica</i> / Black gum <i>Juglans nigra</i> / Black walnut <i>Salix nigra</i> / Black willow <i>Fraxinus pennsylvanica</i> / Green ash <i>Carpinus caroliniana</i> / Hornbeam <i>Cornus alternifolia</i> / Pagoda dogwood <i>Quercus palustris</i> / Pin oak <i>Acer rubrum</i> / Red maple <i>Betula nigra</i> / River birch <i>Amelanchier arborea</i> / Shadbush <i>Carya ovata</i> / Shagbark hickory <i>Acer saccharinum</i> / Silver maple <i>Quercus bicolor</i> / Swamp white oak <i>Betula lenta</i> / Sweet birch <i>Platanus occidentalis</i> / Sycamore <i>Liriodendron tulipifera</i> / Tulip tree

511.E. RIPARIAN BUFFER MAINTENANCE

1. Riparian buffers must be generally undisturbed. Mature trees and long grasses absorb more nutrients than do manicured plants. Similarly, the more extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The temptation to “over-maintain” the streamside must be overcome.

2. Where riparian buffers are to be located upon common property, the applicant must include a working plan that ensures perpetual maintenance of such buffer zones as specified in this Section 511.E.
3. Where riparian buffers are to be located upon private property, the applicant must include a legally-binding instrument (e.g. easement, covenant, deed restriction, etc.) in a form acceptable to the Township Solicitor which shall designate Upper Saucon Township as the grantee and ensures perpetual maintenance of such buffer zones as specified in this Section 511.E. Then all affected landowners shall be required to abide by such legal instrument.
4. The following lists required maintenance activities for each zone:
 - A. Zone 1: This Zone compels little maintenance. As trees mature, die and decay, it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed promptly. Streamside grasses shall be allowed to seasonally flourish and recede. Streamside cleanup of junk and man-made debris is permitted.
 - B. Zone 2: This zone requires the most attention, but not for some time after initial planting. Here, the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption, and growth rate and decrease the time to establishment as a closed canopy buffer, but should not jeopardize the important overhead canopy of shade. The natural understory shall be undisturbed, except for periodic litter cleanup; and,
 - C. Zone 3: This Zone also requires little maintenance. Long summer grasses shall be allowed to flourish and recede with the seasons. Grazing and haying are permitted so long as the residual grass length is sufficient to disperse overland stormwater flows into Zone 2 and avoid channelization.

511.F. RIPARIAN BUFFER USE

1. Permitted uses - No use shall be permitted that interferes with the natural maturation of the above described buffer plantings, except as follows:
 - A. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are accompanied by written evidence of approval of a water obstruction permit by the PA DEP.
 - B. Corridor crossings for roads and railroads provided that such crossings are accomplished upon the least possible land area and disruption of the adjoining riparian buffer is minimized.
 - C. Public sewer lines, public water lines and public utility transmission lines, provided such lines are installed in such a manner that is most compatible with the installation and ongoing maintenance of the required buffer plantings as described in Section 511.D. of this Ordinance.
 - D. Passive recreation uses that prevent the harmful compaction of soil, tree root damage and avoid the channelization (natural or man-made) of surface water flow. Pedestrian paths can weave through Zone 2, but shall be provided with raised walkways. Impervious surface lot coverage is expressly prohibited.

- E. Application of pesticides and herbicides that are specifically approved for the treatment and/or removal of invasive and/or noxious species within close proximity of watercourses, provided such pesticides and herbicides are used in strict accord with label instruction. Any materials applied as part of a County and/or State approved pest control program (e.g. West Nile Virus and etc.)
2. Prohibited uses – The following uses and activities are expressly prohibited within a riparian buffer. This listing of prohibited uses and activities shall not be interpreted to permit other activities not listed, unless they are permitted by Sections 511.F.1. of this Ordinance:
- A. Except as permitted in the above Section 511.F.1., any use that interferes with the natural maturation of the buffer plantings required in Section 511.D. of this Ordinance.
 - B. Except as permitted in the above Section 511.F.1., any use that interferes with the maintenance of the buffer plantings required in Section 511.E. of this Ordinance.
 - C. Storage and/or disposal of any toxic, hazardous or noxious materials and substances.
 - D. Except as permitted in the above Section 511.F.1.E., the application of fertilizers, pesticides, herbicides and/or other chemicals in excess of that permitted on an approved conservation and/or nutrient management plan as approved by the LCCD and/or local office of the USDA Pennsylvania Natural resources and Conservation Service.
 - E. Areas devoted to the on-site absorption of sewage effluent and/or agricultural fertilizers including but not limited to manure.

SECTION 512 – Wetland and Wetland Buffers

512.A. PURPOSE

- 1. The requirements of this Section help to protect valuable wetlands that:
 - A. supply food and habitats for wildlife.
 - B. recharge groundwater, particularly during periods of drought.
 - C. offer breeding, spawning, feeding, and cover for fish and amphibians.
 - D. provide important nesting, migrating and wintering areas for waterfowl.
 - E. naturally store surface waters during floods and storms.
 - F. purify ground and surface waters by filtering and assimilating pollutants.

512.B. APPLICABILITY & USE

Any property containing a wetland and/or wetland buffer, or portion thereof, shall clearly depict such area upon the natural and cultural features site plan. Such area shall be permanently protected from filling, grading, clearing, water diversion and/or development.

512.C. WETLAND & WETLAND BUFFER DELINEATION

1. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following referenced manuals:
:
 - A. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
 - B. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
 - C. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.
2. Wetlands buffers shall be established using the combination of the following methods that delineates the greatest land area:
:
 - A. A width of fifty (50) feet from the outside edge of that identified wetland as described in the above Section 512.C.1.
 - B. Any area adjoining a wetland that possesses upward slopes in excess of ten (10%) up to a maximum of fifty (50) feet from the outside edge of the identified wetland.

SECTION 513 – Steep Slopes

513.A. PURPOSE

1. The requirements of this Section help to protect sensitive areas of steep slope that:
 - A. reduces rapid stormwater runoff.
 - B. minimizes harmful soil erosion.
 - C. prevents developments upon unstable soil conditions.
 - D. prevents the installation of hazardous roads, access drives and driveways.

513.B. APPLICABILITY & USE

Any property containing steep slopes (as defined herein), shall clearly depict such area upon the natural and cultural features site plan. Except as exempted by Sections 513.F. and 513.H.1. and permitted by Section 513.G. of this Ordinance, such area shall be permanently protected from disturbance and/or development.

513.C. STEEP SLOPE DELINEATION

1. A topographic map of the site which depicts and distinguishes those areas that possess slopes exceeding fifteen percent (15%) and twenty-five percent (25%), respectively shall be incorporated into the natural and cultural features site plan.

513.D. REQUIRED INDIVIDUAL LOT GRADING PLANS AND PERMITS

Unless subject to a subdivision or land development improvements agreement and except as noted in Section 513.F. of this Ordinance, any action involving an “area of disturbance” (as defined herein) shall require the submission of an individual lot grading plan to the Zoning Officer as part of the zoning permit review and approval process in accordance with Sections 308 and 901 of this Ordinance. Furthermore, any area of disturbance proposed subsequent to the approval of a prior individual lot grading plan and as-built plan that was not depicted on a prior individual lot grading plan shall require submission of a revised individual lot grading plan and as-built plan and issuance of another zoning permit in accordance with the provisions set forth in this Sections 308 and 901 of this Ordinance.

513.E. SUBDIVISION AND LAND DEVELOPMENT PLANS SUBMISSION

As a requirement for preliminary subdivision and/or land development plan approval, the applicant shall demonstrate that the requirements of this Section 513 shall be achieved for each new lot and/or principal use proposed.

513.F. ROAD IMPROVEMENT EXEMPTIONS

The disturbance of steep slopes for widening, alignment improvement or sight distance improvements of an existing street for public safety reasons or that are required by, approved by or accomplished by the Township or PennDOT, are expressly exempted from the requirements of this Section.

513.G. LIMITS ON AREA OF DISTURBANCE

The total area of disturbance that is permitted upon steep slopes shall be limited on each individual lot as follows:

1. Thirty percent (30%) of the aggregate areas of existing natural slopes of fifteen percent (15%) to twenty-five percent (25%); and/or,
2. Fifteen percent (15%) of the aggregate areas of existing natural slopes greater than twenty-five percent (25%).
3. The above limits listed in Sections 513.G.1. and 513.G.2. shall not apply to contiguous areas of steep slope disturbance involving less than five hundred (500) square feet.

513.H. EXISTING LOTS

The following provisions shall apply to any lot that was lawful when created and which was in separate ownership duly recorded by plan or deed prior to Dec. 7, 2005.

1. Improved Lots – For lots that contained a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in Section 308. of this Ordinance, but the limitations of Sections 513.G.1. and 513.G.2. shall not apply.
2. Unimproved Lots - For lots that without a principal structure, any future area of disturbance proposed shall require submission of a revised individual lot grading plan and as-built plan and issuance of a zoning permit in accordance with the provisions set forth in this Section 308. of this Ordinance that shall demonstrate compliance with this Section 513.

Section 514 Pennsylvania Natural Diversity Inventory (PNDI) Sites

514.A. PURPOSE

The requirements of this Section help to protect sensitive areas of wildlife habitat, natural communities and geological features that:

1. have been formally identified a species of concern by Federal and State authorities.
2. contributes to the bio-diversity and health of the Township's ecosystems.
3. are worthy of protection and consideration during the development review process.

514.B. APPLICABILITY & USE

Any identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall be protected and managed in accordance with specific findings attributed to the particular feature and location to be determined as follows.

514.C. SITE IDENTIFICATION

Any property containing an identified Pennsylvania Natural Diversity Inventory site, or any portion thereof, shall clearly depict such site upon the natural and cultural features site plan. All locations should be verified with the latest information available as described as follows. Applicants for proposals with such features shall be required to engage a proper PNDI project environmental review through the Pennsylvania Natural Heritage Project. The following is an internet web link for such reviews:

<http://www.naturalheritage.state.pa.us/>

514.D. SITE PROTECTION AND MANAGEMENT

Any application with such a feature(s) shall require the preparation of a statement by a qualified expert which includes the following minimum considerations:

1. A written description of the feature's local, regional, state, and national importance shall be furnished.
2. Written evidence from the Pennsylvania Natural Diversity Inventory that indicates:
 - A. there are no potential impacts anticipated with the special concern species or resources in the project area and that no further coordination is required with PNDI jurisdictional agencies. The applicant shall be required to submit a "no-impact receipt" from PNDI.
 - B. there are potential impacts anticipated with the special concern species or resources in the project area and that the applicant has gained written recommendations and/or clearance letters from the respective PNDI jurisdictional agencies as follows:
 - i. For listed, proposed and candidate species under the Federal Endangered Species Act, the U.S. Fish and Wildlife Service, Endangered Species Biologist, 315 South Allen Street, Suite 322, State College, PA 16801;

- ii. For PA-state listed birds and mammals, the Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Ave., Harrisburg, PA 17110-9797;
 - iii. For PA-state listed fish, reptiles, amphibians and aquatic organisms, the Pennsylvania Fish and Boat Commission, Natural Diversity Section, 450 Robinson Lane, Bellefonte, PA 16823; and,
 - iv. For PA-state listed plants, natural communities, terrestrial invertebrates and geological features, the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, PO Box 8552, Harrisburg, PA 17105-8552.
- C. there are special concern species or resources in the vicinity of the project area that could be impacted by the project unless avoidance measures are implemented. In this case, the applicant must guarantee to fully comply the PNDI jurisdictional agencies'-specified avoidance measures and describe methods for such compliance. Should an applicant not fully comply with the specified avoidance measures for each respective feature, those features that do not provide such compliance shall be governed by the requirements of Section 514.D.2.B. of this Ordinance.
- D. there are special concern species or resources in the vicinity of the project area that could be impacted by the project but the impacts could be minimized with the application of PNDI jurisdictional agencies'-specified conservation measures. In this case, the applicant must provide written evidence of compliance with such conservation measures or furnish a written report from the Pennsylvania Department of Environmental Protection that such measures are not required.

Section 515 Carbonate Geology

515.A. PURPOSE

The requirements of this Section help to protect sensitive areas underlain by carbonate geology that:

- 1. protect a uniquely sensitive and valuable potable groundwater resource area.
- 2. protect groundwater quantity and quality from pollution from hazardous materials or toxic substances, sewage, oil and grease, de-icing compounds and sediment.
- 3. promotes the recharge capability of the area achieved through best management practices; and,
- 4. decreases and minimizes the dangers of land subsidence and sinkholes characteristic of carbonate geologic formations.

515.B. APPLICABILITY & USE

Any application for subdivision and/or land development application for property, or portion thereof, underlain by carbonate geology, shall clearly depict such area upon the natural and cultural features site plan. Such area shall be subject to the following requirements.

515.C. CARBONATE FEATURE IDENTIFICATION

Should it be determined that the development site has the suspected presence of any of those features listed below in this Section 515.C., the applicant shall prepare, under the supervision of a professional geologist, a detailed on-site field investigation commensurate with professionally accepted standards. The results of such analyses shall depict upon the Natural and Cultural Features Site Plan the presence of any and all of the following carbonate features including a description of each feature and its source by the professional geologist directly responsible for preparing such information.

1. Closed depressions - An area of topographic depression or ground surface elevation lower than the surrounding land surface with no surface drainage outlet;
2. Faults – A physical break in rocks along which there has been movement of the two sides relative to one another.
3. Fissures - The surface expression of a fracture or crack in bedrock along with there is a distinct separation.
4. Fracture Traces – Evidence of a break in rock caused by stresses.
5. Lineaments– A linear topographic feature of regional extent (typically greater than one mile) that is believed to reflect bedrock structure, faults or fracture traces;
6. Ghost Lakes– A surface water body that occurs intermittently and subsequently infiltrates or evaporates;
7. Outcrops of Bedrock - The exposure of the rock that underlies soil or other unconsolidated material that appears at the surface of the earth.
8. Seasonal High Water Tables - The condition where groundwater intermittently occurs at a shallow depth in the soil or bedrock;
9. Sinkholes - A circular or funnel-shaped depression in the land surface where the soil or bedrock has collapsed into a void or cavity;
10. Soil Mottling, as may identified from aerial photography - The condition that the land surface is irregularly marked with spots of patches of varying color reflecting differences in soil drainage;
11. Springs– A place where groundwater naturally flows from the soil or bedrock onto the land surface or into a surface water body;
12. Surface Drainage Entering the Ground - Observation of a place where surface water or storm water rapidly infiltrate such as a disappearing stream or lake;
13. Caverns - A solution cavity, cave, or series of underground chambers;
14. Disappearing Lakes - A surface water body that has no apparent outlet but whose water rapidly infiltrates, sinks into the ground, or enters the ground through an outcrop or sinkhole; and,
15. Disappearing Streams - A surface stream whose water rapidly infiltrates, sinks into the ground, or enters the ground through an outcrop or sinkhole.

515.D. ADDITIONAL SUBMISSION REQUIREMENTS

In addition to the submission requirements listed in Sections 502, 504 and 515.C. of this Ordinance, an applicant must provide the following information:

1. Statement of Purpose. This Section shall indicate those applicable standards in this Section 515 and whether the applicant is attempting to demonstrate compliance or justify non-compliance with such standards.
2. This Section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.
3. A map, at a scale no smaller than 1" = 100' and a contour interval of two feet indicating the location of the property and all proposed improvements thereon and their geographic relationship to areas underlain by Carbonate geology.
4. The applicant shall furnish a map indicating existing and proposed drainage conditions, the locations of all proposed private, community and public sewage disposal systems, and the location of existing private and public water supplies on adjoining properties.
5. Description of the Proposed Action. This Section shall describe the proposed action including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany this submission.
6. Proposed Measures to Control Potential Adverse Environmental Impacts. This Section shall describe all measures proposed by the applicant to control any adverse impacts which may occur as a result of the proposed action.
7. List and Qualifications of Preparers. The names, addresses, telephone numbers and professional qualifications of persons directly responsible for preparing the Environmental Assessment, shall be provided.
8. Appendices. Any additional information which the applicant wishes to provide may be included in one or more appendices to this submission.
9. The Township may require that additional information be submitted if the Township Engineer or Consultant concludes that such information would be instrumental in assessing the proposal environmental impact subject to the requirements of this Section 515 of the Zoning Ordinance.

515.E. STORMWATER MANAGEMENT REQUIREMENTS

No stormwater management basin shall be placed in or over the following features unless the location of such features is required by the PA DEP and is recommended based upon a detailed surface and subsurface investigation prepared by a Pennsylvania-licensed professional geologist experienced with carbonate terrain:

1. Sinkholes, closed depressions, lineaments, faults, fracture traces, caverns, ghost lakes, disappearing streams, and quarries;

2. Stormwater basins shall be located no closer than one hundred (100) feet from the rim of sinkholes, closed depressions and disappearing streams and no closer than fifty (50) feet from lineaments, fracture traces or surface or subsurface pinnacles;
3. Outflow from a stormwater management basin and stormwater flow generated as a result of development shall not empty into or be directed to any sinkholes, closed depressions, lineaments, fracture traces, caverns, ghost lakes, disappearing streams, and quarries.

515.F. MINIMUM REQUIRED SETBACKS

1. Except as provided for in the following Section 515.F.2. of this Ordinance, no principal or accessory structure/building shall be located any closer than one hundred (100) feet from:
 - A. the rim of sinkholes or closed depressions; or,
 - B. the rim or high water line of ghost lakes, and the centerline of lineaments, faults, fracture traces or disappearing streams.
2. The above setbacks of Section 515.F.1. of this Ordinance shall not apply provided:
 - A. the applicant has undertaken a detailed surface and subsurface investigation prepared by a Pennsylvania-licensed professional geologist experienced with carbonate terrain;
 - B. the results of the above-described study identify and incorporate within the plan, measures to mitigate any threat of the feature(s) on groundwater quality and stability of surface and subsurface structures; and,
 - C. the mitigating measures proposed shall be approved by the Board of Supervisors upon advice by the Township's professional consultants and administrative staff.

515.G. REQUIREMENTS FOR UNDERGROUND UTILITY LINES, PIPELINES, TRUNKLINES, LATERALS, AND CONNECTIONS.

1. All underground utility lines, pipelines (stormwater, sanitary sewer, water, and gas) and utility connections (except electric, telecommunications, and, cable) to any structure shall be installed consistent with regulations of the respective utility.
2. The Township requires installation of a dike of clay or other suitable material across the width of the trench at intervals not to exceed twenty (20) feet.
3. Use of "other suitable material" shall be approved by Board of Supervisors upon advice by the Township's professional consultants and administrative staff.

515.H. REQUIREMENTS FOR USES INVOLVING THE STORAGE AND/OR HANDLING OF TOXIC OR HAZARDOUS MATERIALS

1. Impoundments for toxic and/or hazardous materials, the underground storage of toxic materials and the dispensing of fuels are prohibited;
2. Except as otherwise prohibited in Section 515.H.1. of this Ordinance, the handling of toxic and/or hazardous materials:

- A. must have impermeable surfaces designed to intercept and contain such material and direct it to a predetermined collection point;
 - B. shall not be located within any Wellhead Protection Overlay Zones as determined by Section 518 of this Ordinance;
 - C. shall inventory and register these materials with the Township and develop a spill contingency plan acceptable to the Township that includes regular inspection and maintenance programs; and,
 - D. must develop and implement a groundwater protection plan that includes (at a minimum) the installation and regular monitoring of devices to detect groundwater contamination.
3. The storage of road de-icing salt and/ or urea is prohibited.

515.I. DISCLAIMER.

In carbonate areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Township shall attempt to make reasonable judgments as to the applicant's compliance with regulations of this Section. Under no circumstances shall Upper Saucon Township or any officer, employee, or professional consultant of the Township assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of this Ordinance or any decisions made by the Township in the administration of such regulations. This Ordinance shall not create any liability on the part of Upper Saucon Township or any officer, employee, or professional consultant of the Township thereof for any damages that may result from reliance on its regulations or any decisions made by the Township in the administration of such regulations.

Section 516 Tree Cutting

516.A. TREE CUTTING PURPOSE

Recognizing that the presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, the following imposes restrictions upon the non-commercial cutting-down of mature trees upon private property.

516.B. EMERGENCY TREE CUTTING

At any time, a landowner may cut-down any tree that, because of its condition, location or any other factor, poses an immediate threat to the public health and safety. Examples of appropriate emergency tree cutting include, but are not limited to, partially uprooted trees that are likely to topple onto nearby structures, properties, roads and/or sidewalks, damaged trees with split trunks due to lightning strike or wind loads, trees that block emergency vehicle access during times of natural disaster, civil defense or rescue and trees that have been partially damaged or fallen that threaten to cause an immediate rise in floodwaters. In case of emergency where time does not allow the prior obtaining of such permit, a zoning permit shall be applied for within seventy-two (72) hours after the cutting down of such tree(s). No fee shall be charged for any such emergency permit.

516.C. NON-EMERGENCY TREE CUTTING

1. Except for areas that are subject to a forest regeneration plan under Section 517.B.1.A. of this Ordinance:
 - A. Landowners may cut-down any tree that is less than six (6) inches in diameter measured at a point four and one-half (4.5) feet above ground level without the need for any zoning permit.
 - B. Landowners may cut-down up to one (1) tree which is six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level per calendar year without the need for any zoning permit.
 - C. In addition to those trees that are permitted to be cut-down in the following Section 516.C.2. of this Ordinance, landowners may cut-down up to three (3) trees per net acre of forested area which are six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level during any calendar year provided that said trees are appropriately marked for inspection by the zoning officer and a zoning permit for the cutting of each tree is obtained. Landowners applying under this Section shall be required to submit a natural and cultural features site plan in accordance with Section 502 of this Ordinance depicting the extent and location of forested area with trees upon the entire property that are six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level and an identification of each respective net acre from which trees can be removed on an annual basis.
2. Landowners may, after obtaining a zoning permit for each tree, cut-down any tree which is six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level if the tree is certified by an ISA certified arborist to be:
 - A. afflicted with a contagious disease, blight or infection or damage from natural causes, from which the tree is unlikely to recover, or
 - B. dead, or
 - C. in such a condition or physical position that it constitutes a danger to the structures or occupants of adjacent property or the property on which it is located or the public right-of-way; or
 - D. an invasive species.
3. Landowners shall obtain permission from the Township prior to removal of any trees located within any street right-of-way.

516.D. CONSTRUCTION-RELATED TREE CUTTING

1. When a land development plan is approved and the applicant has successfully completed his/her pre-construction conference with the LCCD and the Township, trees may be removed as part of the entire site's preparation for land development only within the following areas. Any tree that is six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level shall require the issuance of a tree cutting permit.
 - A. Ten feet (10') on either side of any street right-of-way;
 - B. Utility rights-of-way;

- C. Stormwater conveyance facilities, areas and/or easements;
 - D. Ten feet (10') surrounding any stormwater basin;
 - E. Parklands devoted to active recreation use as approved by the Township; and,
 - F. Any other area or improvement as approved by the Township.
2. When a zoning permit is issued for a building, structure or use, trees may be removed as part of the individual lot's development only within the following areas. Any tree that is six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level shall require the issuance of a tree cutting permit.
 - A. The "area of disturbance" as defined herein;
 - B. Any space to be occupied by required clear sight triangles as regulated by this Ordinance and the SALDO;
 - C. Any space to be occupied by, and all space within ten (10) feet of all sides of any drive-ways, access drives, parking area, on-lot water system or on-lot sewage disposal system or structures constituting permitted accessory uses; and,
 - D. Any feature listed in Section 516.D.1.A. – F.
 3. It shall be unlawful to cut down any trees that are to be removed to accommodate the proposed use until the Zoning Officer has issued a construction area tree cutting zoning permit for each tree to be removed that is six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level.
 4. In order to facilitate suitable inspection, such trees that are to be removed in accordance with Sections 516.D.1. and 516.D.2. of this Ordinance shall be marked in a manner that enables the clear determination after the cutting that only those trees for which the permit was issued have been cut down, as prescribed by the Zoning Officer.
 5. After inspection and upon issuance of the tree cutting zoning permit, the applicant may proceed with authorized tree-cutting.
 6. Within the dripline areas from which no trees are to be removed, no stockpiling, storage, or disposal of timber harvesting slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials, or other materials which, if released, would pollute the watercourse or be injurious to human, animal, or plant life, shall be permitted. In addition, no grading and/or storage and or movement of tree cutting or removing machinery shall be permitted that would result in soil compaction.

516.E. TREE REPLACEMENT STANDARDS.

1. Except for forestry uses as defined herein and regulated by Section 517 of this Ordinance, any person, partnership, corporation, and/or property owner who or which removes or destroys trees in excess of those standards listed in this Section 516 of this Ordinance shall be subject to the penalties for violation as outlined herein and is responsible for replacement of said trees in accordance with the following minimum standards. This replacement shall be done on a tree-for-tree basis if the number of trees

removed in violation of this ordinance can be identified. If the number of trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade cannot be identified, then the trees shall be replaced at a rate of one tree per five hundred (500) square feet of area of tree removal that has occurred in violation of this ordinance as determined by the Township Zoning Officer.

2. The replacement trees shall be deciduous, noninvasive, native species, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease. The trees shall be not less than two (2) inches in diameter as measured four and one-half feet (4.5') above grade. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
3. The replacement trees may be placed on the property at any location selected by the property owner as long as such location does not violate any other provision of this ordinance or laws of the State.
4. The replacement trees cannot be used as credits to meet other planting requirements of this ordinance relative to street tree plantings, landscape buffer, unless the original trees would have satisfied such requirements. Any replacement trees that are to be counted as required screening shall comply with the standards listed in Section 321.D. of this Ordinance.
5. Any tree that is replaced under the requirements of this Section shall be properly maintained and any such tree that dies shall be promptly replaced in accordance with the specifications of this Section 516.E. of this Ordinance.

516.F. WOODLAND PRESERVATION REQUIREMENTS

For residential developments that employ the conservation design option, the following table specifies the ratio of woodlands that must be preserved on the site following construction:

Ratio of Required Preserved Woodlands	
Zone	Percentage of Woodlands that Must be Preserved
R-1	60% of those trees identified under Section 502 of this Ordinance.
R-2	50% of those trees identified under Section 502 of this Ordinance.
R-3	40% of those trees identified under Section 502 of this Ordinance.
AQC	40% of those trees identified under Section 502 of this Ordinance.

The above ratio shall not apply to any tree that is removed because:

1. such tree constitutes a danger to the structures or occupants of adjacent property or the property on which it is located or the public right-of-way;
2. the tree is an invasive species as is certified by an ISA certified arborist; or,
3. such replacement tree is located within the legal right-of-way of a public street.

Section 517 Forestry Uses

517.A. FORESTRY PERMITTED IN ALL ZONES

In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

517.B. TIMBER HARVESTING PLAN REQUIREMENTS

1. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 901 of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
 - A. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration, including each species' respective forest regeneration schedule (i.e. in terms of years.) As soon as practical and consistent with sound forest management practices, after the conclusion of the timber harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the forest regeneration schedule of the timber harvesting plan.
 - B. Site Plan - Each timber harvesting plan shall include a scaled drawing containing the following information:
 1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
 2. Significant topographic features related to potential environmental problems and all of the natural and cultural features required within this Article 5 of this Ordinance;
 3. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
 4. Location of all crossings of waters of the Commonwealth; and,
 5. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
 - C. Required Approval of a Forest Stewardship Plan – All applications for timber harvesting shall include written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
 - D. Compliance With State Law - The application for timber harvesting shall include evidence that the timber harvesting plan addresses and complies with the requirements of all applicable State regulations, including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
 2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
- E. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section 517.B.1., provided that all information required by these sections is included or attached.
- F. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the approved timber harvesting plan.

517.C. REQUIRED NOTIFICATIONS

1. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
2. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.

517.D. REQUIRED FOREST PRACTICES

1. The following requirements shall apply to all timber harvesting operations:
 - A. Timber harvesting shall be accomplished with those professionally-accepted silvicultural practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
 - B. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All tree tops and slash shall be lopped to a maximum height of four (4) feet above the ground.
 - C. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - D. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.

- E. All cutting, removing, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.
- F. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- G. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
- H. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
- I. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
- J. Unless superseded by the Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the construction and use of roads and trails described in the approved timber harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber harvesting Buffer Zone.

No Timber Harvesting Buffer Zones	
Use	Required Minimum Setback
Adjoining street except as noted below for scenic roads	50 feet
Scenic roads as listed in Section 320 of this Ordinance	100 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet
Designated Trails	25 feet
Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches	25 feet

- K. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
- L. All limbs and stubs shall be removed from felled trees prior to skidding.
- M. All trees bent or held down by felled trees shall be released promptly.
- N. No trees shall be left lodged in the process of felling with as little damage as possible to the remaining trees.
- O. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or the

Pennsylvania Department of Transportation in the case of state Highways.

- P. The stumps of all felled trees shall be permitted to remain for soil for stabilization provided that they extend no more than two feet (2') above grade.
- Q. During the periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Upper Saucon Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
- R. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.

517.E. RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.

517.F. TOWNSHIP'S RIGHT TO INSPECT

- 1. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
- 2. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

Section 518 Wellhead Protection Overlay Zone

518.A. PURPOSE

The purpose of this Section is to safeguard the public health, safety and welfare, by providing regulation of land use and the manufacture, use, storage, transport, or disposal of hazardous substances which pose a threat to the quality and quantity of groundwater being extracted from the public water system.

518.B. CONSTITUTIONAL AND STATUTORY AUTHORITY

- 1. Constitutional authority for this Section is contained in Article I, Section 27 of the Pennsylvania Constitution, wherein it specifically provides for a right to clean water.
- 2. Statutory authority for this Section is specifically set forth in Section 604 of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10604, providing that zoning ordinances be designed to promote, protect and facilitate the provision of a safe, reliable and adequate water supply.

3. Additional authority is set forth in the laws and regulations of the Commonwealth of Pennsylvania at 25 Pa. Code §109.713 (5) providing for the adoption of municipal ordinances or regulations controlling, limiting or prohibiting future potential sources of contamination within the wellhead protection zones., and
4. Additional authority in establishing design and performance standards for potential sources of contamination within the wellhead protection zones, is provided pursuant to development and implementation of wellhead protection area management as a part of the sanitary survey program of the Operation and Maintenance Plan, mandated for community water suppliers at 25 Pa. Code §109.702 (a) (7) and 25 Pa. Code §109.713.

518.C. APPLICABILITY

1. The protections of this Ordinance are intended to apply to all land within the Wellhead Protection Overlay Zones in the Township. Owners in the Wellhead Protection Overlay Zones shall have ninety (90) days from the mailing of the Land Use Questionnaire, as set forth in Section 518.6. herein, to provide the required information on their land and/or uses in conformance with this Ordinance. This Ordinance also applies to all future actions by owners and occupiers within the Wellhead Protection Overlay Zones, and they shall provide evidence of compliance with this Ordinance as a condition prerequisite to approval and issuance of a permit for a new, revised and/or expanded use.
2. The Wellhead Protection Overlay Zone shall only apply to those areas of the Township which are delineated on the Natural and Cultural Features Map, and described as follows. The following lists the minimum required distance from the outside edge of the well to the outside radius of the Wellhead Protection Zone for each well within the Township:

<u>Well Number</u>	<u>Minimum Radius (ft.)</u>
CC#2	400 feet
Zinc Mine	400 feet

3. The Wellhead Protection Overlay Zone shall be deemed an overlay on any Zone now or hereafter applicable to any lot. The underlying zone shall prescribe all other zoning requirements (unless another overlay zone applies), and the SALDO shall prescribe all other subdivision and land development requirements, in addition to those specifically enumerated in this Ordinance;
4. It shall be the responsibility of any person owning, using or occupying real property within the Wellhead Protection Overlay Zone to take all steps necessary to protect the Wellhead Protection Overlay Zone from uses and activities specifically prohibited in the following Section 518.D. of this Ordinance.

518.D. REGULATED LAND USES AND ACTIVITIES

1. The following land uses and activities presented in Table 1 are specifically prohibited for all new, revised and/or expanded uses within Wellhead Protection Overlay Zones.

Table 1

REGULATED LAND USES AND ACTIVITIES	
Land Uses and Activities	
1. Agricultural:	animal burial; animal feedlots; fertilizer storage and/or use; insecticides storage and/or use; herbicides storage and/or use; irrigation sites; manure spreading areas, pits and storage; and pesticide storage and/or use;
2. Commercial:	airports; auto repair shops; boatyards; car washes; cemeteries; construction areas; dry cleaners; gas stations; golf courses; jewelry/metal plating; laundromats; medical institutions; paint shops; photography establishments; railroad tracks and yards; research laboratories; scrap and junkyard; storage tanks;
3. Industrial:	asphalt plant; chemical manufacture/storage; electronics manufacture; electroplaters; foundries/metal fabricators; machine/metal working shops; mining and mine drainage; petroleum production/storage; pipelines; septage lagoons and sludge storage tanks; toxic and hazardous spills; wells (operating/abandoned including underground injection wells); wood preserving facilities; quarries; commercial truck or rail tanker cleaning operations; commercial slaughtering, rendering, tanneries; paints, thinners and other related products
4. Residential:	fuel oil; furniture stripping/refinishing; household hazardous products and lawn chemicals; septic systems/cesspools; sewer lines; swimming pools (chemicals); and,
5. Other	hazardous waste landfills; highway spills, municipal incinerators; municipal landfills; municipal sewer lines; open burning sites; recycling/reduction facilities; road deicing operations and storage; storm water drains/basins; transfer stations; well/borehole drilling; junked materials; sanitary landfills; collection and transfer facilities for solid waste or hazardous substances, including, but not limited to, battery and drum recycling and reprocessing; land application of sewage sludge; package sewage treatment plants; cemeteries; alteration of natural site features prior to receiving all permits and approvals; industrial, commercial or institutional facilities which use, store, transport, or dispose of hazardous substances; geothermal exchange systems (groundwater and ground loop); concentrated aquatic and/or animal production facilities; discharge of any pollutants; any chemicals or other materials which may endanger or adversely affect the water supply (including, but not limited to gasoline, fuel oil and other petroleum products).

518.E. REPORTING REQUIREMENTS

1. All owners within the Wellhead Protection Overlay Zones are subject to the following reporting requirements. Owners shall submit the documents listed below, to the Zoning Officer within ninety (90) days of initial mailing, and annual mailings thereafter.
 - A. Owners shall submit two (2) copies of a completed Land Use Questionnaire (Appendix 2) to the Zoning Officer within ninety (90) days of initial mailing, and annual mailings thereafter.
 - B. If the use is classified as a key facility by the Township, owners shall submit two (2) copies of a completed Key Facility Evaluation Questionnaire (Appendix 3) within ninety (90) days of initial mailing, and annual mailings thereafter.
 - C. All owners are subject to any and all additional monitoring and reporting requirements dictated by its public water system pursuant to any additional ordinance which the public water system may adopt.

Section 519 Historic Site Demolition

519.A. PURPOSE

1. To provide the means that the Township can protect and preserve historic sites and structures.
2. To initiate a process of public and technical review prior to the demolition of historic structures.

519.B. APPLICABILITY

1. This Section imposes a conditional use review procedure for the proposed demolition of historic structures, as defined herein.

519.C. DEMOLITION OF AN HISTORIC STRUCTURE

1. No historic structure shall be demolished until the applicant has obtained conditional use approval and a zoning permit for such demolition.
2. Prior to the application for conditional use approval to demolish an historic structure, the applicant shall be required to meet with the staff of the Pennsylvania Historical and Museum Commission (PHMC) to gain their ideas about potential preservation options for the building/structure. No conditional use approval or zoning permit for the demolition of an historic structure shall be issued unless the applicant meets with the staff of the PHMC. To inform the staff of the PHMC about the structure, the applicant shall be required to produce all of the available following materials:

- A. Historic deeds, surveys and site plans of the subject property;
- B. Current and historic photos of the property; and,
- C. A description of the specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.

Following such meeting the PHMC shall, within ninety (90) days, prepare a letter of its findings for delivery to the applicant and the Township.

3. In applying to the Township for conditional use approval to demolish an historic structure, the applicant is required to produce all of the available following materials and information:
 - A. Historic deeds, surveys and site plans of the subject property;
 - B. Current and historic photos of the property;
 - C. If the applicant is not the landowner, a notarized letter from the landowner requesting demolition of the historic structure;
 - D. Additional information as may be requested by the Board of Supervisors;
 - E. A review letter from the PHMC of its findings as required by Section 519.C.2. of this Ordinance; and,

- F. A description of specific measures and/or relief that could enable the preservation of the subject historic structure or specific reasons why the historic structure cannot accommodate a permitted use and the demolition is warranted.
4. In evaluating the merits of a conditional use application for the demolition of an historic structure, the Board of Supervisors must find that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 905.B. of this Ordinance and will consider the following:
- :
- A. The findings of the PHMC in its review of the proposed demolition.
 - B. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be practically adapted to meet the needs of the applicant, the conditional use shall be denied.
 - C. Should the Board of Supervisors determine that the historic structure retains significant historic value and can be preserved through some other practical means, the conditional use shall be denied.
 - D. Should the Board of Supervisors determine that the historic structure fails to retain significant historic value, the conditional use shall be approved authorizing the demolition.
 - E. Should the Board of Supervisors determine that the historic structure cannot be practically adapted to meet the needs of the applicant, the conditional use shall be approved authorizing the demolition.
 - F. Should the Board of Supervisors determine that the historic structure cannot be preserved by any practical means, the conditional use shall be approved authorizing the demolition.

Section 520 Suspected Archaeological Resources

520.A. PURPOSE

1. To provide the means that the Township can derive valuable information about its pre-historic past and when applicable protect and preserve archaeological sites and structures.
2. To initiate a process of technical review prior to the disturbance of suspected archeological resources.

520.B. APPLICABILITY

1. At such time as the Pennsylvania Historical and Museum Commission (PHMC) identifies areas of suspected archeological significance, applicants for subdivision and/or land development shall be required to undertake, and present the findings of, a review procedure prior to the disturbance of suspected archeological resources.
2. All applications for lands identified with an area of suspected archaeological significance shall require the preparation of a statement by a professional archaeologist which includes the following minimum considerations:

- A. A detailed account of a survey of archaeological resources conducted on the site and its findings. Such survey shall be conducted only after notification of the PHMC and undertaken in a manner specifically prescribed by the PHMC;
- B. A letter from the PHMC discussing the archaeological significance of the site. This letter should also suggest whether or not further study is warranted. If further study is warranted, a description of the level of investigation needed should also be explained.
- C. Should the PHMC determine that certain portions of the site can accommodate the proposed use without risking the loss of archaeological resources contained elsewhere on the site, a detailed description of the methods that are being used to:
 - 1. prevent the disturbance of archaeologically-significant areas of the site during and following construction of the proposed use;
 - 2. prohibit grading in the vicinity of archaeologically-significant areas of the site; and,
 - 3. orient improvements and activities of the proposed use away from the archaeologically-significant areas of the site and suspected or known archaeologically-significant areas that adjoin the site; and,
 - 4. A detailed description of the plans for disposition of any archaeologically-significant artifacts found, or to be found, on the site.
- D. Written approval from the PHMC that the proposed use complies with all applicable state and federal requirements for the identification and protection of archaeological resources.

Article 6

Reserved for Future Use

Article 7

Nonconformities

Section 700 Continuation

Except as otherwise provided in this section, any use, building, or structure existing at the time of enactment of this Ordinance may be continued subject to the limitations described in this Article, although it is not in conformity with the regulations specified by this Ordinance. However, the storage of junk on residential properties is subject to amortization as described in Sections 708 of this Ordinance, respectively.

Section 701 Abandonment

All non-conforming uses of undeveloped land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60) percent or more of replacement costs, shall not be continued, repaired, or reconstructed. No other non-conforming use may be re-established after it has been discontinued for twelve (12) consecutive months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.

Section 702 Expansion of a Nonconforming Use of Land

Except as noted in Section 708 of this Ordinance, any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be expanded upon the lot upon which it exists at the time of the effective date of this Ordinance, but such expansion shall conform to area and lot regulations and to the design standards of this Ordinance. The expansion of a nonconforming use on a lot shall be limited to the lot that was in existence on the effective date of this Ordinance.

Section 703 Expansion or Alteration

703.A. Any nonconforming use may be expanded or altered through the approval of a special exception and subject to the following specific criteria, and those general criteria contained in Section 804.C.2. which are hereby specifically incorporated herein. The applicant shall be required to demonstrate compliance with these general criteria and the following specific criteria and must furnish competent evidence necessary to demonstrate such compliance:

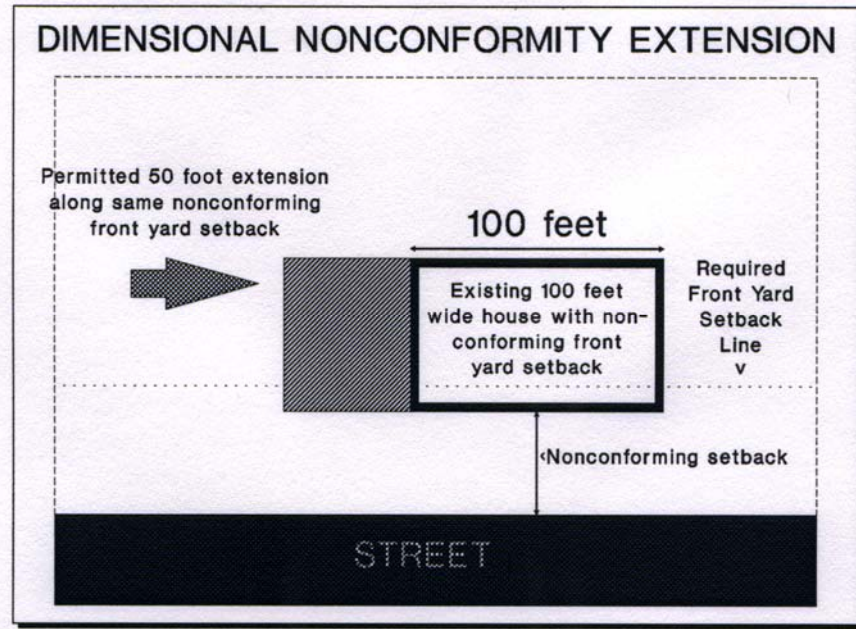
1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity;
2. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The

applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created;

3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance;
4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located;
5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces;
6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces;
7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities;
8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements described in Section 510 of this Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies; and,

703.B. Any dimensional nonconformity may be reduced by right, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as noted below in Section 703.C. of this Ordinance, no extension or enlargement of a dimensional nonconformity shall be permitted.

703.C. Any structure that has one or more nonconforming setbacks may be extended along the same nonconforming setback(s) line, up to a maximum of fifty percent (50%) of the area of the building that follows the setback when it was originally made nonconforming; the accompanying diagram illustrates this regulation. Nothing within this section shall be interpreted to allow an increase in any dimensional nonconformity.



- 703.D. Dimensional nonconformities can be created as a permitted use through the acquisition of land and/or rights-of-way by a governmental agency.

Section 704 Substitution or Replacement

- 704.A. A nonconforming use may be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. of this Ordinance and that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.
- 704.B. If a non-conforming use is proposed to be replaced with a conforming use that cannot meet certain design standards (such as area, coverage, setbacks, etc.), the Zoning Hearing Board may grant a special exception to permit such non-conforming aspects of the conforming use, if the Board determines that the applicant has met his/her burden of proof that the proposed use meets all other applicable regulations contained within this Ordinance including but not limited to those general criteria contained within Section 804.C.2. of this Ordinance and that the proposed use is at least equally compatible with the surrounding area, than the original nonconforming use. The Zoning Hearing Board may attach reasonable conditions to the special exception to maintain or improve compatibility within its surroundings.

Section 705 Restoration

Except as noted in Section 510.I.4.B. of this Ordinance, a non-conforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition may be rebuilt and occupied for the same use as before the damage, provided that the reconstructed structure shall not increase any dimensional non-conformity and that the reconstruction shall start within one (1) year from the time of damage to the structure and

carried on without interruption.

Section 706 Unsafe or Unlawful Structures

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zone in which it is located.

Section 707 Previously Expanded Nonconforming Uses and Structures

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign, or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

Section 708 Amortization of the Nonconforming Storage of Junk on Residential Properties

Any external storage of junk (as defined herein) upon a property used as a principal residence that was legally existing as of the effective date of this Ordinance, shall be considered nonconforming. All such storage may continue for a period of up to six (6) months from the effective date of this Ordinance. After the six (6) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the six (6) month period shall not waive the requirements for elimination of the use.

Section 709 Use of Nonconforming Lots of Record

Subject to the provisions of Section 508(4) of the Act, in any Zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected as a use by right on any single lot, as defined in this Ordinance, existing in single and separate ownership on the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to Section 804.D. of this Ordinance.

Section 710 Use Variances are not Nonconforming Uses

Any use that is permitted by variance under the terms of this Ordinance shall not be deemed a non-conforming use. Any expansion and/or alteration of such use will require approval of another variance by the Zoning Hearing Board in accordance with Section 804.D. of this Ordinance.

Article 8

Zoning Hearing Board

Section 800 Establishment and Membership

The Board of Supervisors shall appoint a Zoning Hearing Board which shall consist of three (3) members who shall be residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 801, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 802 unless designated as a voting alternate member pursuant to Section 801 of this Ordinance.

Section 801 Organization of Zoning Hearing Board

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Section 803. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be

the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

Section 802 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to Section 801, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the governing body.

Section 803 Public Hearings

- 803.A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- 803.B. Public notice shall be given to the applicant, the zoning officer, such other persons as the Township Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;
- 803.C. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs; and,
- 803.D. The first hearing before the Zoning Hearing Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- 803.E. The hearings shall be conducted by the Zoning Hearing Board or the Zoning

Hearing Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;

- 803.F. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing 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;
- 803.G. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding 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;
- 803.H. 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;
- 803.I. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
- 803.J. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;
- 803.K. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
- 803.L. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the

hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Act, where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing as provided in Section 803.4. of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in this Section of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction:

803.M. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,

803.N. Time Limitations on Zoning Hearing Board's Decision –

1. For uses that do not require subsequent subdivision and/or land development approval:
 - A. If a variance or special exception is granted, or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception 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 completed within two (2) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
 - B. Should the appellant or applicant fail to obtain the necessary zoning permit within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months 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 shall be deemed automatically rescinded by the Zoning Hearing Board; and,

- C. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such two (2) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- 2. For uses that require subsequent subdivision and/or land development approval:
 - A. If a variance or special exception is granted, or other action by the appellant is authorized, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the variance or special exception is finally granted, or the other action by the appellant is authorized, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Zoning Hearing Board may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
 - B. Should the appellant or applicant fail to submit the subsequent subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all approvals granted to him shall be deemed automatically rescinded by the Zoning Hearing Board; and,
 - C. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted approvals, if the Zoning Hearing Board finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- 3. As an alternative to the preceding requirements of Section 803.N.1. and 803.N.2., an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 803.N.1.-2. In so doing, the applicant

must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 804 Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

804.A. **Substantive Challenges to the Validity of the Zoning Ordinance**, except those brought before the governing body pursuant to Section 904.E. of this Ordinance.

1. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
 - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
 - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare; and,
 - f. For challenges alleging the exclusion of one or more land uses within the Township, the Zoning Hearing Board shall consider the availability of opportunity for such uses throughout the Township.
2. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Zoning Hearing Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of

the last hearing;

3. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
4. Public notice of the hearing shall be provided as specified in Section 904.B.2. of this Ordinance;

804.B. **Challenges to the Validity of the Zoning Ordinance**, raising procedural questions or alleged defects in the process of enactment or adoption;

804.C. **Special Exceptions** - The Zoning Hearing Board shall hear and act upon applications for special exceptions as specifically authorized by this Ordinance. The granting of a special exception shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

1. Filing Requirements - In addition to the required permit information (See Section 901) each special exception application shall include the following:
 - a. Ground floor plans and elevations of proposed structures;
 - b. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - c. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
 - d. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance;
2. General Criteria - Each applicant must demonstrate, by credible evidence, compliance with the following:
 - a. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by special exception within the Zone wherein the applicant seeks approval;
 - b. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - c. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or

workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;

- d. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - e. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
 - f. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 510 of this Ordinance;
 - g. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - h. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
3. Conditions - The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 9; and,
4. Site Plan Approval - Any site plan presented in support of the special exception pursuant to Section 804.C.1. shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the approval of another special exception;
5. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.N. of this Ordinance.

804.D. **Variances** - The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the applicant submits sufficient evidence for the

Zoning Hearing Board to make the following findings where relevant in a given case:

1. That 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 Zone in which the property is located;
2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the Zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare;
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
6. That variances within the Floodplain Zone shall require compliance with those regulations contained in Section 510 of this Ordinance;
7. 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. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in Article 9; and,
8. If a Zoning Permit has been requested, the approved variance with any conditions imposed by the Zoning Hearing Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Zoning Hearing Board shall be forwarded to the Zoning Officer.
9. Time Limitation – An approved special exception shall be bound by the time limitations listed in Section 803.N. of this Ordinance.

804.E. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or enforcement notice or the registration or refusal to register any nonconforming use, structure or lot;

804.F. Appeals from a determination by a municipal engineer or the Zoning Officer

with reference to the administration of any provisions contained within the Floodplain Zone;

- 804.G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 804.H. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the Act; and,
- 804.I. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the Act, respectively.

Section 805 Appeals to the Zoning Hearing Board

- 805.A. Appeals under Sections 804.E., 804.F., 804.G., 804.H., and 804.I. and proceedings to challenge this Ordinance under Sections 804.A. and 804.B. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 804.D. and for special exception under Section 804.C. may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:
1. The name and address of the appellant and applicant.
 2. The name and address of the landowner of the real estate to be affected.
 3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request.
 4. A statement of the present zoning classification of the real estate in question, the existing improvements thereon, and the present use thereof.
- 805.B. All appeals and any amendments thereto addressed to the Zoning Hearing Board shall be filed with the Township on forms prescribed by the Township and executed by the applicant(s).
- 805.C. Every appeal form shall be completed in its entirety and shall include a reference to the specific section and, where applicable, the subsection of the Zoning Ordinance or other regulation at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief.
- 805.D. No appeal form or any amendment thereto shall be deemed filed unless and until the applicable fee is paid, the form is properly completed and all necessary signatures are applied. Any failure to comply with the requirements of this subsection may lead to the rejection of the appeal or amendment as determined by the Township Zoning Officer.

- 805.E. By executing the appeal form and any amendment thereto, every applicant verifies that to the best of his or her knowledge, information and belief each fact alleged is true and correct, and that there exists a good faith basis for the requested relief.

Section 806 Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

Section 807 Stay of Proceeding

Upon filing of any proceeding referred to in Section 805 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

Section 808 Appeal

Any person, taxpayer, or the Township aggrieved by any decision of the Zoning Hearing Board

may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.

Section 809 Mediation Option

- 809.A. Parties to proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings. In no case shall the Zoning Hearing Board, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 8 once they have been formally initiated.
- 809.B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation;
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
 5. Identifying all parties and affording them the opportunity to participate;
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:
- 809.C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Article 9

Administration

Section 900 Zoning Officer

The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. He/she shall receive such fees or compensation as approved by resolution of the Board of Supervisors. The Zoning Officer shall not hold any elective office within the Township. No zoning permit shall be granted by him/her for any purpose, except in compliance with the literal provisions of this Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

900.A. **Duties & Responsibilities** - The duties and the responsibilities of the Zoning Officer shall be:

1. **Process Applications** - To receive, examine and process all zoning permit and certificate of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
2. **Maintain Official Records** - To maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all Zoning Permits and Certificates of Use and Occupancy issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance, and all amending ordinances, the official Zoning Map, and all other pertinent information. The records of this office shall be available for the use of the Township government and for inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all Permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.
3. **Inspections** - Before issuing any Zoning Permit at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit. Thereafter, he/she may make such inspections during the completion of the work for which a Zoning Permit has been issued. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions

attached to the approval of variances, special exceptions, conditional uses, and curative amendments.

4. **Inspect and/or Register Nonconformities** - Upon request by a landowner and/or the direction of the Board of Supervisors, to inspect nonconforming uses, structures and lots, and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
5. **Assist Local Officials** - Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
6. **Maintain Up-to-Date Ordinance** - To be responsible for keeping this Ordinance and the Official Zoning Map up-to-date, including any amendments thereto;
7. **Floodplain Zone Variance Reporting** - Upon the granting by the Zoning Hearing Board of a variance pertaining to the Floodplain Zone, the Zoning Officer shall notify the applicant in writing within fifteen (15) days that:
 - A. The granting of the variance may result in increased premium rates for flood insurance;
 - B. Such variances may increase the risks to life and property, pursuant to Section 510.K.1.E.2. of this Ordinance.
8. **Floodplain Zone Report to DCED** - Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, to send written notice of the approval by registered mail to the Pennsylvania Department of Community and Economic Development.
9. **Biannual Report to FIA** - To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the report form shall be provided by the Federal Insurance Administration).
10. **Preliminary Opinion** - To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act.
11. **Investigate Complaints** - When in receipt of a verbal non-anonymous complaint stating fully the cause and basis thereof, to investigate alleged violations of this Ordinance. Said investigation shall be completed within a reasonable period. A written report of all investigations of this Ordinance shall be prepared and filed by the Zoning Officer. If after the investigation the Zoning Officer determines that a violation has occurred, he/she shall take action as provided for by this Ordinance.
12. **Prosecute Violations** - to institute civil enforcement proceedings as a means of enforcement when anyone undertakes deliberate actions

that are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals authorized under this Ordinance.

900.B. **Violations** - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

900.C. **Enforcement Notice** - If it appears to the Township that a violation of this Zoning Ordinance, has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under Section 804.E. of this Ordinance.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

900.D. **Enforcement Remedies** - Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays, nor timely appeals, the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district

justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township; and,

900.E.

Causes of Action - In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 901

Zoning Permits

901.A.

General Requirements for Zoning Permits:

1. **Actions Requiring Zoning Permits** - A zoning permit shall be required prior to:
 - A. a change in use of land or structure,
 - B. the erection or construction of a structure (principal or accessory) or portion thereof, including, but not limited to, fences but excluding satellite dish antennas that are less than one (1) meter in diameter;
 - C. the improvement or alteration of any existing structure (principal or accessory) where such improvement or portion thereof increases the amount of space which the structure encloses;
 - D. the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations but not including the tilling of soil associated with agriculture;
 - E. the erection or alteration of any signs specified in Section 322 of this Ordinance as requiring a zoning permit;
 - F. the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins; and/or,

- G. the cutting of any tree in accordance with Section 516 of this Ordinance and the conduct of any forestry use in accordance with Section 517 of this Ordinance.
 - H. For uses other than a single-family dwelling or agricultural:
 - i. The installation of a new outdoor lighting system;
 - ii. The alteration, rehabilitation, or renovation to an existing outdoor lighting installation, which is commenced after the effective date of this Ordinance, and involves the complete replacement of an existing lighting system with a new lighting system and,
 - iii. The replacement of an outdoor light fixture that existed on the effective date of this Ordinance.
2. **Permit Exemptions** - No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
 3. **Form of Application** - Application for zoning permits shall be made in writing to the Zoning Officer. Two (2) copies of the application including a plot plan for a Zoning Permit shall be submitted in such form as the Zoning Officer may prescribe.
 4. **Permit Review Deadline** - Such zoning permits shall be issued or rejected within ninety (90) days from date of application.
 5. **Permit Conformity** - No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.
 6. **Permit Burden of Proof** - In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
 7. **Authorization to Apply** - The parcel or parcels shall be in a single and full ownership, or proof of option shall be furnished at the time of application. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
 8. **Permit Referral** - The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
 9. **Permit Revocation** - The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application, or on the plans on which the permit or approval was based, or for any other cause set forth in the Zoning Ordinance.

10. **Required Permit Fees** - No permit shall be issued until the fees prescribed by the Board of Township Supervisors approved by resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. The fees collected for the review of a zoning permit include one inspection. Should an applicant fail to demonstrate compliance with an approved zoning permit at such inspection, he/she will be required to correct any noted violations and pay another final inspection fee, or submit a new zoning permit application (in compliance with all requirements listed above) along with its fee for each time the Township must inspect the site.
11. **Issuance / Rejection of Permits** - Upon receipt, the Zoning Officer shall examine the permit application within a reasonable time after filing. If the application fails to comply with the provisions of this Ordinance and all pertinent local laws and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval, he/she shall reject such application in writing, stating the reasons therefore. Should the Zoning Officer deny the permit, he/she shall inform the applicant of his/her right to appeal to the Zoning Hearing Board under Section 804.E. of this Ordinance. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance, and all local laws and ordinances applicable thereto and/or any conditions of approval attached to the grant of any applicable subdivision and/or land development approval,, he/she shall issue a permit therefore as soon as practical, but not later than ninety (90) days from receipt of the complete application.
12. **Reconsideration of Application** - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if this condition is not met.
13. **Expiration of Permit** - The permit shall expire after two (2) years from the date of issuance; provided, however, that the same may be extended for a period not to exceed a total of five (5) years upon the request by the applicant who can demonstrate good cause for the extension.
14. **Compliance with Ordinance** - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board through the issuance of an approved variance under Section 804.D. of this Ordinance.
15. **Compliance with Permit and Plot Plan** - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.
16. **Display of Zoning Permit** - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5)

days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until all work authorized by the zoning permit has been completed upon the site.

17. **Availability of Zoning Permit** - The Zoning Officer shall maintain a copy of all active Zoning Permits for inspection.

18. **Temporary Use Permits** - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time in times of local or national emergency and/or disaster which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of application, they will:

- A. in no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, and,
- B. contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved,

then, the Board of Supervisors may direct the Zoning Officer to issue a permit.

901.B. **Application for all Zoning Permits**

- 1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land, and shall be accompanied by plot plans in duplicate drawn to scale and showing the following as may be applicable to the requested permit:
 - A. The actual dimensions and shape of the lot to be built-upon;
 - B. The exact size and location on the lot of buildings, structures, fences, signs, and areas of land use, existing and/or proposed extensions thereto;
 - C. The number of dwelling units or other units of occupancy (eg. commercial, industrial, institutional, agricultural, accessory uses and etc.) if any, to be provided;
 - D. The location and proposed surfacing of driveways and access drives and copies of any highway occupancy permits as required by local, county and/or state agencies;
 - E. The height of all structures, buildings, and/or signs;
 - F. Distances of buildings and structures from lot lines and street right-of-way lines;
 - G. Off-street parking and loading areas and access thereto, including grades and proposed surfacing;
 - H. Outdoor areas devoted to storage of goods, materials and/or wastes;

- I. Individual lot grading plans in accordance with Section 308 of this Ordinance;
 - J. Utility systems affected and proposed, including primary and back-up on-lot and/or public sewage disposal and water supply systems, including any required permits;
 - K. Alteration or development of any improved or unimproved real estate;
 - L. Lot coverage;
 - M. Site lighting plans, including lighting of signs in accordance with the requirements of Section 310.H. of this Ordinance;
 - N. Floor area devoted to each proposed use and unit of occupancy for both principal and accessory uses;
 - O. Recreation areas;
 - P. Screens, buffer yards, landscaping, erosion control filter strips and riparian buffers;
 - Q. The location and marking of trees as required by Sections 516 and 517 of this Ordinance;
 - R. Means of pedestrian access;
 - S. Written approvals for needed Conservation Plans, Nutrient Management Plans and/or Erosion and Sediment Pollution Control Plans;
 - T. Information relating to any zoning approvals obtained from the Zoning Hearing Board or the Board of Supervisors;
 - U. Copies of any applicable subdivision/land development plan;
 - V. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications:
- A. The accurate location of the floodplain and floodway;
 - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements; and
 - C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.
3. Applications involving any excavation or earthmoving involving earth disturbance on five thousand (5000) square feet or more shall require submission of one or more of the following:

- A. Applications for permits for agricultural use involving earth disturbance on five thousand (5000) square feet or more shall require submission of a letter from the Lehigh County Conservation District or the United States Department of Agriculture's Natural Resource and Conservation Service (NRCS) that the proposed use has an approved Conservation Plan;
- B. Applications for permits involving nonagricultural use where any of the following conditions apply shall require submission of a letter from the Lehigh County Conservation District that the proposed use has an approved Erosion and Sediment Pollution Control Plan:
 - i. earth disturbance will occur on one (1) acre or more;
 - ii. the site possesses slopes exceeding ten percent (10%); and,
 - iii. the site contains or abuts a body of water or watercourse; and,
 - iv. the site and proposed use or activity presents the potential for discharge into State designated "High Quality Waters," and/or State designated "Exceptional Value Waters," and/or "Exceptional Value Wetlands;" and,
- C. Applications for permits that do not involve uses or activities subject to the above Sections 901.B.3.A. and 901.B.3.B., shall require the submission of a signed statement by the applicant that an adequate Erosion and Sediment Pollution Control Plan will be developed, implemented and maintained prior to any excavation or earthmoving on the site.

- 4. Applications involving forestry uses shall require the submission of information listed in Section 517 of this Ordinance.
- 5. Applications involving disturbance proposed on steep slopes, shall require the submission of an individual lot grading plan in accordance with Section 513 of this Ordinance.
- 6. A natural and cultural features site plan and report in accordance with Article 5 of this Ordinance.

901.C. **Application for Zoning Permit for Uses in the Commercial, Village Commercial Overlay Industrial and Enterprise Zones** – In addition to the preceding requirements for all zoning permits, uses proposed within the Commercial, Village Commercial Overlay, Industrial Zones and/or Enterprise Zones shall provide the following information:

- 1. A location plan showing the tract to be developed, Zone boundaries, adjoining tracts, significant natural features, proposed topographic features, and streets for a distance of two hundred (200) feet from all tract boundaries.

2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
3. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
4. Engineering plans for the handling of traffic, noise, light and glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
5. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
6. The proposed number of shifts to be worked and the maximum number of employees on each shift.
7. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

Section 902 Required Inspections for Uses Requiring Individual Lot Grading Plans

902.A. Any use requiring an individual lot grading plan under Section 308 of this Ordinance, will require:

1. that the applicant shall submit four (4) copies of an as-built foundation plan once the footers are installed and the foundation walls have been poured. The as-built foundation plan shall be prepared by a professional registered engineer, landscape architect or professional land surveyor. Prior to the commencement of further construction the applicant shall secure written confirmation from the Township that the foundation complies with the Zoning Ordinance and is within tolerance of the elevation specified on the approved individual lot grading plan. If the observed first floor elevation is not within tolerance of the elevation specified on the approved individual lot grading plan, the applicant will be required to correct the actual elevation or submit and receive approval of a revised individual lot grading plan (including payment of a new individual lot grading plan review and inspection fee) prior to any further construction work on the site; and,
2. that the applicant shall submit four (4) copies of an as-built final grading plan and schedule a final grading inspection at such time as all grading is complete, the lot is seeded and stabilized and the driveway is paved with a final wearing course. The as-built final grading plan shall be prepared by a professional registered engineer, landscape architect or professional land surveyor. Prior to issuance of a Certificate of Occupancy from the Township, the applicant shall secure written confirmation from the Township that the lot grading complies with the approved individual lot grading plan.
3. If final grading stabilization and seeding are not possible because of

the non-growing season (September 30 to April 15), the applicant may obtain a Temporary Zoning Permit as it relates to final grading. No Temporary Zoning Permit will be issued after April 15th or before September 30th of each year. Applicants receiving a Temporary Zoning Permit as it relates to final grading shall still be required to schedule a final grading inspection no later than the next May 30th for final grading inspection.

4. The fees collected for the review of an individual lot grading plan include one as-built foundation plan review and a final grading plan review and inspection. Should an applicant fail to demonstrate compliance with an approved individual lot grading plan at the inspection, he/she will be required to submit an additional grading inspection fee for each time the Township must inspect the site prior to its final grading approval and issuance of a Zoning Permit. Applicants receiving a Temporary Certificate of Occupancy as it relates to final grading shall complete the required lot seeding and stabilization, submit four (4) copies of an as-built final grading plan and secure written confirmation from the Township that the lot grading complies with the approved individual lot grading plan no later than the next May 30th.

Section 903 Fees

- 903.A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for applications for Zoning Permits, Zoning Certificates of Use and Occupancy, special exceptions, conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 903.B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by resolution of the Board of Supervisors.
- 903.C. Until all application fees, charges, and expenses have been paid in full, the application or appeal shall not be considered complete. Therefore, no proceedings related to any such application or appeal shall be initiated, no established time elements shall begin to accrue, and no action shall be taken on any such application or appeal.

Section 904 Amendments

- 904.A. **Power of Amendment** - The Board of Supervisors may, from time to time, amend, supplement, change, or repeal this Ordinance, including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Township Planning Commission, the Board of Supervisors, or by a petition to the Board of Supervisors by an interested party. The Township is under no obligation to consider any zoning amendment other than curative amendments submitted under Section 904.F. and 904.G. of this Ordinance;
- 904.B. **Hearing and Enactment Procedures for Zoning Amendments**
1. **Public Hearing** - Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed

below) has been given.

2. **Public Notice** - Before conducting a public hearing, the Board of Supervisors shall provide public notice as follows:

A. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published; and,
- An attested copy of the proposed Ordinance shall be filed in the County Law Library, or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.

B. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing. In addition, notice of the public hearing shall be sent by first class mail by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area to be rezoned, as evidenced by the tax records within possession of the Township. Such notice shall include the location, date and time of the public hearing. The first class mail notice requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

C. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

3. **Enactment Notice** - In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to

the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days, nor less than seven (7) days, prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Section 904.B.2.

4. **Township Planning Commission Referrals** - For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment. A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Ordinance and the Official Comprehensive Plan of the Township.
5. **Lehigh Valley Planning Commission Referrals** - All proposed amendments shall be submitted to the Lehigh Valley Planning Commission at least forty-five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Lehigh Valley Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.
6. **Adjournment of Public Hearing** – If, during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a time and place certain.
7. **Copies of Adopted Amendments** - Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance and/or Zoning Map shall be forwarded to the Lehigh Valley Planning Commission.
8. **Authentication of the Official Zoning Map** - Whenever there has been a change in the boundary of a Zone or a reclassification of the Zone adopted, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

904.C. **Amendment Initiated by the Township Planning Commission** - When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors, which has already been reviewed by the Township Planning Commission;

904.D. **Amendment Initiated by the Board of Supervisors** - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such

amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 904.B.;

904.E. **Amendment Initiated by a Petition from an Interested Party** - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials;

904.F. **Curative Amendment by a Landowner** - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered), with a written request that his/her challenge and proposed amendment be heard and decided, as provided in Sections 609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lehigh County Planning Commissions, as provided for in Section 904.B., and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The governing body shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider;
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features;
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and,
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

2. The governing body shall render its decision within forty-five (45) days after the conclusion of the last hearing.
3. If the governing body fails to act on the landowner's request within the time limits referred to in Section 904.F.2., a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
4. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material, or proposed amendments may be examined by the public.
5. The challenge shall be deemed denied when:
 - A. The governing body fails to commence the hearing within sixty (60) days;
 - B. The governing body notifies the landowner that it will not adopt the curative amendment;
 - C. The governing body adopts another curative amendment which is unacceptable to the landowner; or
 - D. The governing body fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the governing body pursuant to this Section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 804.A., or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply.
7. Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant, as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary;

Curative Amendment by the Board of Supervisors

1. The Board of Supervisors, by formal action, may declare this Ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 - i. references to specific uses which are either not permitted or not permitted in sufficient quantity.
 - ii. references to a class of use or uses which require revision; or,
 - iii. references to the entire Ordinance which requires revisions.
 - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance.
3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 804.1., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.
4. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a Pennsylvania Appellate Court decision, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

Section 905 Conditional Uses

905.A. **Filing of Conditional Use** - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. No conditional use application will be accepted which requires approval for any use or relief by the Zoning Hearing Board until such times as such approvals have been secured. If during the course of review of the conditional use it is determined that the proposed use requires approval for any use or relief by the Zoning Hearing Board, the application shall be either withdrawn by the applicant or may be denied by the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
3. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance; and,
4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including competent evidence demonstrating a substantial likelihood of compliance with the requirements of Article 5 of this Ordinance.

905.B. **General Criteria** - Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and such use is specifically authorized as a use by conditional use within the Zone wherein the applicant seeks approval;
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded;
4. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
5. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard

to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.

6. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 510 of this Ordinance;
7. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
8. The proposed use will not substantially impair the integrity of the Comprehensive Plan;

905.C. **Conditions** - The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;

905.D. **Site Plan Approval** - Any site plan presented in support of the conditional use pursuant to Section 905.A.3. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval; and,

905.E. **Hearing Procedures:**

1. Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative the Board of Supervisors may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
2. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations;
3. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or,

in the absence of Ordinance provision, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing;

4. The first hearing before the Board or hearing officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal;
5. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
6. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors or hearing officer, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors or hearing officer. The Board of Supervisors or hearing officer shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors or hearing officer for that purpose;
7. The Chairman or Acting Chairman of the Board of Supervisors 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;
8. 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;
9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
10. The Board of Supervisors or hearing officer may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or

hearing officer; or shall be paid by the person appealing the decision of the Board of Supervisors or hearing officer if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;

11. The Board of Supervisors or hearing officer shall not communicate, directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present;
12. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer;
13. Where the Board of Supervisors or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors or hearing officer to meet or render a decision as hereinabove provided, the Board of Supervisors or hearing officer shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction; and,

14. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him/her no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

905.F.

Time Limitation:

1. For uses that do not require subsequent subdivision and/or land development approval:
 - A. If a conditional use is granted, the necessary zoning permit shall be secured and the authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within two (2) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the six (6) months or two (2) year period;
 - B. Should the appellant or applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work thereunder within such six (6) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,
 - C. Should the appellant or applicant commence construction or alteration within said six (6) months period, but should he fail to complete such construction or alteration within said two (2) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such two (2) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
2. For uses that require subsequent subdivision and/or land development approval:
 - A. If a conditional use is granted, the applicant shall be required to submit the subsequent subdivision and/or land development application within twelve (12) months after the date when the conditional use is finally granted, and the applicant shall have secured a zoning permit for such use within five (5) years of said date. For good cause, the Board of Supervisors may upon application in writing, state the reasons therefore and extend either the twelve (12) months or five (5) year period;
 - B. Should the appellant or applicant fail to submit the subsequent

subdivision and/or land development application within twelve (12) months period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his conditional use application, and all approvals granted to him shall be deemed automatically rescinded by the Board of Supervisors; and,

- C. Should the appellant or applicant submit the subsequent subdivision and/or land development application within said twelve (12) months period, but should he fail to secure a zoning permit for such use within said five (5) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use approval, if the Board of Supervisors finds that no good cause appears for the failure to secure a zoning permit within such five (5) year period, and if the Board of Supervisors further finds that conditions have so altered or changed in the interval since the granting of the conditional use, that revocation or rescission of the action is justified.
3. As an alternative to the preceding requirements of Section 905.F.1. and 905.F.2., an applicant can request, as part of the original conditional use application before the Board of Supervisors, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section 905.F.1.-2. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Board of Supervisors must establish and bind a definite time-frame for (1) application of for subdivision and/or land development approval if applicable, (2) issuance of a zoning permit, and (3) completion of construction of the project.

Section 906 Mediation Option

- 906.A. Parties to proceedings before the governing body may utilize mediation as an aid in completing such proceedings. In no case shall the governing body, initiate, mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article 9 once they have been formally initiated.
- 906.B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- 1. Funding mediation;
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - 3. Completing mediation, including time limits for such completion.
 - 4. Suspending time limits otherwise authorized by the Act, provided there is written consensus by the mediating parties, and by an

applicant or municipal decision making body if either is not a party to the mediation;

5. Identifying all parties and affording them the opportunity to participate;
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the Act:

906.C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 907 Information Submission Requirements

907.A. Submission Constitutes Public Record (Waiver of Copyright)

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township pursuant to this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.
2. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to Federal or State copyright laws, or Common Law copyright protection, the applicant and all of its agents, employees and consultants, by filing documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection as relates to reproduction, review, analysis, criticism, or approval of the application by the Township and all of its agents, servants, employees, officials, and consultants, and the public at large.
3. The applicant hereby agrees to indemnify, defend and hold harmless the Township and all its agents, servants, employees, officials, and consultants of and from any and all claims, demands, judgments or damages arising out of or relating to claims of violation and violations of Federal and State copyright laws or Common Law copyright protection.

907.B. **Unsworn Falsification to Authorities** - All statements, whether written or oral, to the Township in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to "Unsworn Falsification to Authorities."

Section 908 Appeals

Proceedings for securing review of any ordinance or of any decision, determination, or order

of the Board of Supervisors, their agencies, the Zoning Hearing Board, or the Zoning Officer issued pursuant to this Ordinance shall be in accordance with Article X-A of the Act, as amended.

Section 909 Repealer

- 909.A. Any Resolution, Ordinance, or part of any Resolution or Ordinance, inconsistent herewith, and any amendments thereof, are hereby expressly repealed.
- 909.B. In the event the Act is amended subsequent to the effective date of this Ordinance, any provision contained within this Ordinance that is inconsistent therewith is, at that time, expressly repealed and the amended language within the Act is expressly incorporated herein.

Section 910 Effective Date

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Upper Saucon Township, County of Lehigh, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this _____ day of _____, 2009.

BOARD OF SUPERVISORS OF UPPER SAUCON TOWNSHIP

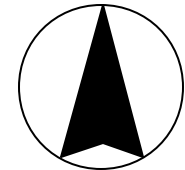
By: _____
Chairman

ATTEST:

Secretary

(SEAL)

Upper Saucon Township Zoning Map



ZONES

- South Mountain Conservation
- Agricultural Preservation
- Open Space Residential
- Rural Residential
- Suburban Residential
- Multi-Family Residential
- Age Qualified Community Overlay
- Commercial
- Industrial
- Enterprise

5000 0 5000 Feet



Map Dated: Jan. 20, 2010

Appendix 1

JOINT USE DRIVEWAY AGREEMENT

for up to four lots.

LOT 1 The undersigned, *(insert 1st owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 1st property address)* _____

and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County of Lehigh, Commonwealth of Pennsylvania, in *(insert deed number of 1st property)* Deed Book _____, Page _____, known as tax map number *(insert 1st property tax number)* _____;

&

LOT 2 The undersigned, *(insert 2nd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 2nd property address)* _____

and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County of Lehigh, Commonwealth of Pennsylvania, in *(insert deed number of 2nd property)* Deed Book _____, Page _____, known as tax map number *(insert 2nd property tax number)* _____;

&

LOT 3 The undersigned, *(insert 3rd owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 3rd property address)* _____

and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County of Lehigh, Commonwealth of Pennsylvania, in *(insert deed number of 3rd property)* Deed Book _____, Page _____, known as tax map number *(insert 3rd property tax number)* _____;

&

LOT 4 The undersigned, *(insert 4th owners names)* _____
are the owners ("Owners") of land with improvements known as *(insert 4th property address)* _____

and more fully described in a Deed recorded in Recorder of Deeds Office in and for the County of Lehigh, Commonwealth of Pennsylvania, in *(insert deed number of 4th property)* Deed Book _____, Page _____, known as tax map number *(insert 4th property tax number)* _____.

In order to provide access to the proposed lots, Owners desire to create a mutual easement and right-of-way for access to all of the lots as set forth in this instrument and as depicted on a plan attached hereto as Exhibit "A."

EASEMENT GRANT - NOW THEREFORE, the Owners do hereby declare, make known and covenant for themselves, their heirs and assigns, that herein and hereby they do subject all the lots to the following easement for the mutual benefit of the owners of each other lot:

1. The Owners, their heirs, successors and assigns of each lot shall have a perpetual casement for a right-of-way, together with free ingress, egress, and regress to and for the said owners, their heirs, successors, assigns, tenants and

undertenants, occupiers, or possessors of the owners upon and across that portion of each lot more fully described on Exhibit "B" and depicted on Exhibit "A."

2. The proper maintenance and repair of said right-of-way shall be borne equally by the owners, successors and assigns of all the lots.
3. This agreement is intended to run with and be binding upon the owners of all the lots as set forth in this agreement, their heirs, successors and assigns.

IN WITNESS WHEREOF, the said Owners have hereunto set their hands and seals this ____ day of _____, 20____.

ATTEST:

Insert signature for witness for owner of Lot 1

Insert signature of owner of Lot 1

Insert signature for witness for owner of Lot 2

Insert signature of owner of Lot 2

Insert signature for witness for owner of Lot 3

Insert signature of owner of Lot 3

Insert signature for witness for owner of Lot 4

Insert signature of owner of Lot 4

REQUIRED EXHIBITS TO BE ATTACHED

EXHIBIT A – Scaled plan that depicts the location and dimensions of the proposed joint-use driveway.

EXHIBIT B – Legal description of proposed joint-use driveway perpetual easement.

COMMONWEALTH OF PENNSYLVANIA)

Lot 1 LOT 1

COUNTY OF LEHIGH)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LLOT 2

COUNTY OF LEHIGH)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

L LOT 3

COUNTY OF LEHIGH)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA)

LOT 4

COUNTY OF LEHIGH)

SS:

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me to be the

persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained,

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal. _____

Notary Public

Appendix 2

UPPER SAUCON TOWNSHIP WELLHEAD PROTECTION – LAND USE QUESTIONNAIRE

Name: _____

Address: _____

To your knowledge, has a spill of hazardous chemicals ever occurred on the property identified above?

No _____ Yes _____. If you answered yes, please provide the following information:

When _____; What was spilled? _____

How was the spill cleaned up? _____

Please check any and all land use(s) that currently or historically apply to the property identified above. If none applies, please check "Other" and briefly describe the land use.

____ Agricultural:

- ____ Crop Farm
- ____ Horse Stable
- ____ Cow / Steer / Pig Barns (please circle appropriate livestock)
- ____ Chicken Coops
- ____ Animal Burial
- ____ Animal Feedlots
- ____ Manure Storage / Spreading (How much? _____ How often? _____)
- ____ Irrigation (How much? _____)
- ____ Fertilizer Storage / Spreading (How much? _____ How often? _____)
- ____ Herbicide Use (Types _____,
How much? _____ How often? _____)
- ____ Pesticide Use (Types _____,
How much? _____ How often? _____)
- ____ Silage Storage (Type _____ How much? _____)

____ Commercial:

- ____ Airport
- ____ Auto / Truck Garage / Repair Shop
- ____ Beauty Parlor / Hair Store
- ____ Boatyard
- ____ Building Supplies / Contractor / Lumber Yard
- ____ Car Wash (Automatic? _____ Manual? _____)
- ____ Cemetery
- ____ Chemical Manufacturing / Distribution
- ____ Dog / Cat Kennel
- ____ Dry Cleaner
- ____ Furniture Stripper / Refinisher / Painting
- ____ Gasoline Station
- ____ Golf Course
- ____ Jewelry Shop
- ____ Laundromat
- ____ Medical Institution
- ____ Metal Plating

- ☐ Paintshop
- ☐ Pharmacy
- ☐ Photography Shop / Lab
- ☐ Printer
- ☐ Railroad Yard and Tracks
- ☐ Research Lab (Type _____)
- ☐ Scrap and Junkyard / Salvage Yard
- ☐ Storage Tank(s) (Contents _____ Tank Type _____)
- ☐ Veterinarian
- ☐ Industrial:
 - ☐ Asphalt Plant
 - ☐ Chemical Manufacture / Storage
 - ☐ Commercial Truck / Rail Tanker Cleaning Operation
 - ☐ Electronics Manufacture
 - ☐ Electroplater
 - ☐ Foundry / Metal Fabrication
 - ☐ Hazardous Material Storage Facility (Materials stored _____)
 - ☐ High Tech Industry (Type _____)
 - ☐ Machine Shop / Metal Working
 - ☐ Mining / Mine Drainage
 - ☐ Paint, Paint Thinner and Related Product Manufacture / Storage
 - ☐ Petroleum Production / Storage
 - ☐ Quarry
 - ☐ Septage Lagoons / Sludge Storage Tanks
 - ☐ Slaughtering / Rendering
 - ☐ Tannery
 - ☐ Well (Operating / Abandoned including Underground Injection Wells)
 - ☐ Wood Preservation
- ☐ Residential:
 - ☐ Aboveground or Underground Petroleum (Heating Oil, Propane, etc.) Storage
(Tank Type, Capacity, Contents, Age? _____)
 - ☐ Furniture Stripping/Refinishing
 - ☐ Household Pesticides Use / Storage
(Type, Quantity, Frequency of Use? _____)
 - ☐ Lawn Chemicals Use / Storage
(Type, Quantity, Frequency of Use? _____)
 - ☐ Septic System / Cesspool
 - ☐ Swimming Pool Chemicals Use / Storage
- ☐ Other:
 - ☐ Landfill (Municipal / Hazardous Waste)
 - ☐ Open Burning Sites

Appendix 3

WELLHEAD PROTECTION – KEY FACILITY EVALUATION QUESTIONNAIRE

Name: _____

Address: _____

What operations are conducted at this site?

How long have the operations continued on this site?

Historically, what other operations have occurred at this property?

If others, when were they conducted?

What chemicals or hazardous materials are utilized at the site?

What quantities of these chemicals are stored on-site?

Please provide material safety data sheets (MSDS) for every hazardous material containing compounds used on site.

Do you report your chemical usage to the EPA as part of SARA Title III Reporting?

What quantity of chemicals is utilized each year?

What kind of containers hold the chemicals?

Where are the chemicals stored?

Where are the chemicals used?

How are the chemicals transported from storage point to usage point?

Provide a site plan showing the locations of the above information and attach to your response to this questionnaire.

Waste disposal information:

Hazardous

What quantities are generated?

Who is the disposal contractor?

Please provide copies of manifests for removal and disposal.

Non-Hazardous

Septic? (please locate on the site plan)

Public sewer?

How long on septic or sewer?

Are there any floor drains at the facility? If so, please locate on the site plan.

If yes – where do they discharge?

Is there a well on the property?

If yes – please locate on the site plan.

If known – please provide age, depth and yield.